

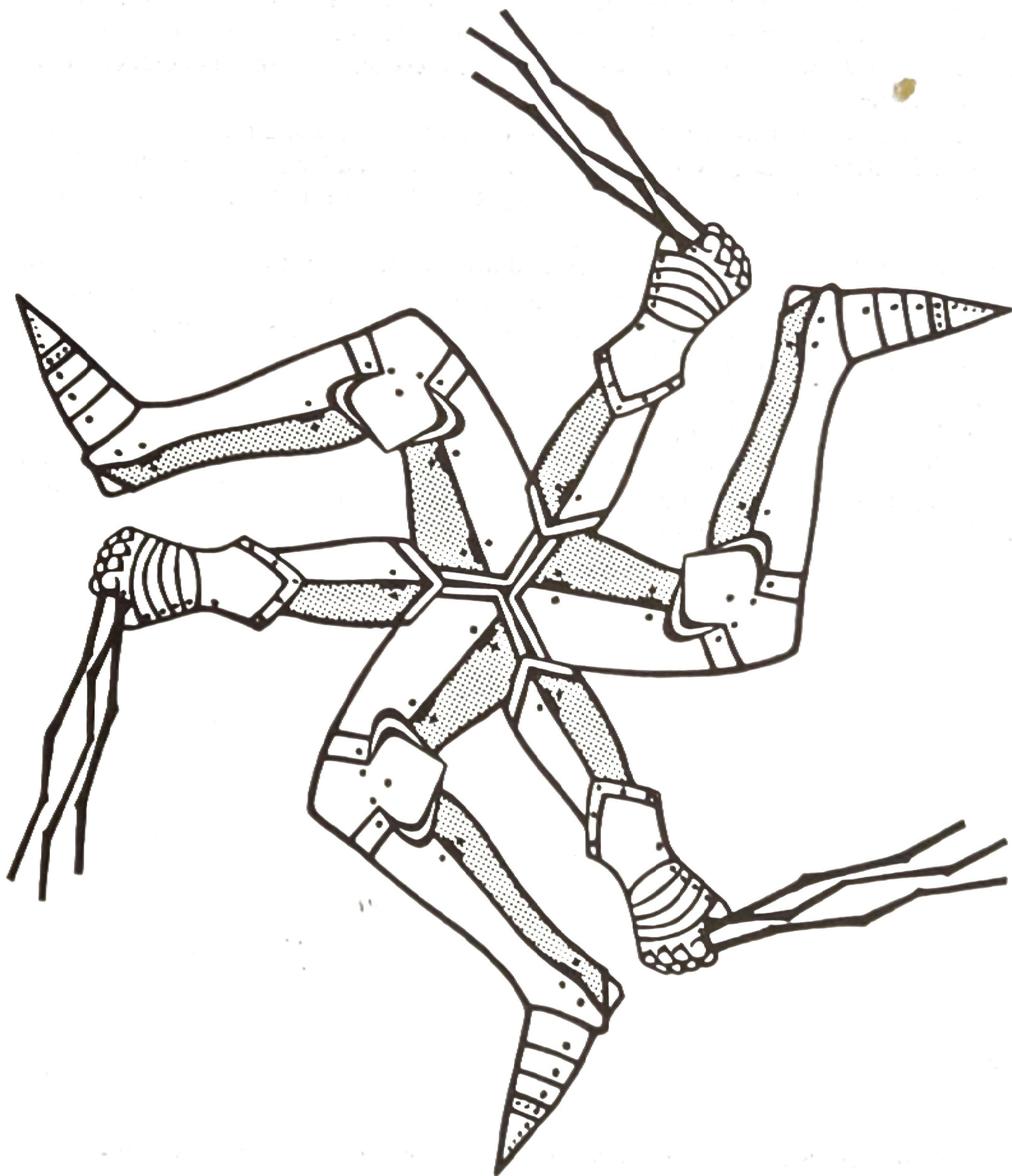
Against Birching



Judicial Corporal Punishment in the Isle of Man

by

Angela Kneale



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Preface

This book belongs to Angela Kneale — one of a very small and courageous group of women on the Isle of Man who have campaigned against the use of judicial corporal punishment there. When the National Council for Civil Liberties heard of the work of her and her friends, they offered to help with publication and with the campaign.

Those who have campaigned for the abolition of barbaric forms of punishment all over the world have found usually that they are campaigning in particular against prejudices and misinformation: on the Isle of Man, for instance, there are several widely held myths — that birching is an effective deterrent; that it is almost always inflicted for crimes of violence; that it is never given to first offenders. None is true, as this book emphatically proves.

Having no access to official records, Angela Kneale and her friends have been forced to search painstakingly through the files of the island's newspapers, and piece together the evidence. But the search was worthwhile. It effectively damns all the current arguments for the retention of judicial corporal punishment.

Merely to say that the use of such violent punishments flies in the face of all modern and progressive theory and practice in the treatment of delinquents is not enough on the island. If it were, the birch would have been discarded long ago. The myths used to defend its use for so long had to be effectively exploded, and that is what we hope the publication and distribution of this book will do.

Future generations of young residents and visitors to the Island should be grateful to the courage of Angela Kneale and her friends. They join a long line of patient campaigners who have gradually removed prejudice and revenge and brought the law-enforcers to their senses.

Introduction

The Isle of Man is, in the geographical sense, one of the British Isles, but in a legal and political sense it is a Crown Dependency, neither part of "Great Britain" nor of the "United Kingdom". It is an off-shore island, with a wide measure of autonomy, and with its own Parliament, "Tynwald", which is reputed to be the second oldest in the world, dating back about a thousand years.

The Isle of Man shares many features with the main Channel Island of Jersey: partial autonomy, roughly similar sized populations, an economy based largely on tourism, and a great number of elderly new residents. The two islands are frequently compared with one another, and often inspire each other in matters of policy.

But whereas Jersey is situated in the Channel, has a dense population, and an ever-increasing influx of European tourists, the Isle of Man is in the middle of the Irish Sea, sparsely populated and little known, and yet it is a lovely island and an ideal place for holidays. Approximately half a million tourists visit the Isle of Man each summer, but most of them come from nearby parts of the British Isles. Few Europeans have yet discovered the charms of the island.

The Manx people are ethnically Celts, with a strong addition of Viking blood. The Manx language belongs to the Scots-Irish branch of Celtic tongues, and is kept alive by enthusiastic scholars. For some generations now, people of Manx blood have been marrying into English, Irish, Scottish and non-British families. There are still "true Manx" families, but they are getting fewer.

There is, however, for all this influx of outsiders, a Manx way of life. The island's unwritten Gaelic motto is *Traaie dy Lioor*, which means "time enough". The Manx simply will not be hurried. They are, on the whole, wary, cautious, honest, kind, reserved ("Jus' the shy"), natural, plain-speaking, and resistant to change. There is a vocabulary which "come-overs" (new residents) soon learn when they settle in the island "from across" (from the mainland). Of these, the type least likely to integrate successfully is the "When I" (when I was in Malaya . . . India . . . Kenya etc. .) There is a "When I" bar in a hotel in Laxey. A nosey person is known as a "skeet", newly erected bungalows as "white settlers' huts". There are scores of such colourful expressions.

Like most very small nations, the Isle of Man is fiercely jealous of its independence, and does not take kindly to criticism or to interference, especially if it comes from comparative newcomers, or from outsiders. This easily hurt pride became apparent during the 1969 to 1972 furores which the mass media christened "the anti-birching campaigns". This book is an account of the events that led up to this and the outcome of the campaign so far.

* * *

I came to live in the Isle of Man in August 1947, the young bride of a Manxman;

Brussels had been my hometown until then. Very early on, I began to appreciate the "British way of life", still the best I know: the informality with newly met acquaintances, the easily struck-up friendships, the simplicity of meals, the variety of newspapers, the general courtesy, the lack of intellectual pretensions, but above all the importance accorded to each individual so that eccentrics are tolerated with good humour and humble citizens feel entitled to write to newspapers . . .

I am an animal lover and share the devotion of the British for their pets, and their respect for wildlife, but British attitudes to children surprised me; among them, the almost complete non-existence of nursery schools and the survival of corporal punishment in schools. Later on, when I discovered "birching" and found out what this word meant, I was deeply shattered. Britain seems to me to be a land of contrasts, with an ultra-kind outlook on some subjects — and Dickensian intolerance in others.

For many years I kept silent on the vexed subject of birching, although it was a burning concern of mine. I felt too new to the country and to the island, a kind of guest, and I dared not voice my views either in private or in public. But in time I became wholly integrated into the British way of life, and now I feel "real Manx". I helped my husband to establish and run an export business and we brought up three Manx sons.

One of my best friends is Olive Tyson, once a journalist on an island paper. Quakerism drew us together. She tried very hard through the medium of her articles to draw attention to the injustice of birching little boys for larcenies. I regret now that I did not join her earlier in her lonely battle, but I was engrossed in developing our business, in bringing up our small children, and in French consular activities.

But as soon as I had a little time to spare, I started on her advice (she had by then moved to London) to study the Chief Constable's reports (see Chapter 1). It did not take long to establish the preponderance of very young boys and of non-violent crimes in the lists of yearly birchings. I began to circulate these figures among my friends, and they were all very surprised at my findings; they had believed that only "thugs" were ordered the birch. I became bolder, and wrote to the *Isle of Man Examiner*, setting out the facts as I had found them. This was in October 1969. The reaction was negligible: one London gentleman courteously disagreed with me, and our local female bard, whose "Kelly" poems appear weekly, produced the following, which epitomises local feelings:

Kelly and bottoms up

*You can jaw all you want to (said Kelly)
'Bout the rights an' the wrongs of the birch —
But it's easy to preach tender mercies
From a non-implicated high perch.
I suppose it's the same sorta thinkin'
That objec's to a murderer's death —
But agrees to the butcherin' of babies
'Fore the li'l sowl's have drew their firs' breath . . .*

*This is known as Progressive an' Liberal –
 (Otherwise, Life – Certificate X) –
 Them as isn' destroyed in the womb, boy
 Mus' be force-fed on violence an' sex . . .
 If it wasn' so sad, 'twould be crazy,
 This reversal of sunshine an' shade –
 Where the victim's oft damaged for ever
 But the criminal gets all the aid.
 Well, some tell us the thug's not for blamin';
 He was made so by you an' by me,
 So he shouldn' be shoved in the jailhouse
 But be pat on the head an' set free . . .
 When me dada made red our bare bottoms,
 "That'll learn you" he said – (and it did);
 But jus' mention a hidin' for bad lads
 An' the pot boils away with the lid.*

Vera Martin.

October 23rd, 1969.

Soon after, in the *Daily Times* of November 11, 1969, I read that a 15 year old boy had been given three strokes of the birch for snatching a lady's handbag some days before. The report went on to give some details. The boy had run away from Preston, with a 14 year old girl friend. They had stayed as man and wife in two different Douglas lodging houses. At their last address, the landlady reported an electric meter break-in. A constable came to investigate the meter incident, and in the course of it, discovered the young pair locked in an attic-room. The constable had to force open the door, and found the couple unconscious and naked in bed, and a suicide note. The landlady had been under the impression that they had left the island. They were rushed to hospital for revival treatment. All this happened on November 5. Two days later the boy was charged with the handbag snatch, convicted, and birched. My blood ran cold when I read this casually reported story.

He was returned to his home town immediately after the birching, or perhaps the next day, and was much criticised for having slept with a young girl. In some letters to the press, the sexual jealousy was transparent.

The handbag snatch was greatly exaggerated: rumour had it that the boy had assaulted the unfortunate lady. The Deputy Chief Constable was quoted by the *Daily Mirror* (November 18, 1969): "It was a particular nasty theft for which he was convicted – he snatched the handbag from an old lady whom he knocked down". But on November 26, 1969, the *Daily Mail* quoted the lady herself, Mrs. May Hannay: "I don't think this boy should have been birched, I have no personal animosity against him. After all, he did not actually hurt me or cosh me or anything like that . . . I wasn't harmed, and that should be made known". In fact, she gave him chase, and although 60, she was a most attractive woman, not an "old lady" by any stretch of imagination.

Mrs. Hannay, we later heard, was upset because none of the media, or the campaigners, or for that matter the pro-birchers, had tried to contact her. In fact I tried desperately hard to find her, as I remembered reading about the snatched handbag, but did not have the cutting. My memory played a trick on me, I thought she was "from" the North of England, when instead she had been quoted as usually going "to" the North of England for a break at that time of the year. A Lancashire reporter was trying to trace her on my behalf. She was not called as a witness at the Preston boy's court hearing, so her name and address were not repeated.

The suicide note, which started "Dear killers" (*The Guardian* November 18, 1969) had been preceded by threats of a suicide pact by the girl, when she had phoned her home a day or two before the attempt. None of this information was given to the magistrates, who were unaware of the suicide note until they read about it in the papers. It was a pity in a way that this notorious case involved a set of magistrates who were not previously noted for ferocious sentencing. I felt sorry for them during the early campaign.

In the next island newspapers of the same week, the story was virtually ignored, except by Valerie Roach, another woman journalist who, though of Irish origin, is Manx at heart. Valerie took the magistrates to task, asking "But are they human?".

Some days later, Millicent Faragher, whom I knew fairly well without being a close friend, phoned me with an idea of hers and Valerie's that we should gather signatures for a petition to the Governor to set up a commission of inquiry into corporal punishment on the island. I agreed to help them, and we met the same evening to discuss our plans.

Such was the beginning of what was intended to be a quiet, private gesture on our part. We were in for two shocks: first, the national press got wind of our intention almost at once, and second, we found recalcitrance among some of our closest associates, whose abhorrence of corporal punishment we had taken for granted. All next day we coped with interviews by telephone from every national newspaper, and the BBC news service wasted no time, airing the subject on *The World at One*. We were dumbfounded. We could not understand how our little plan had been leaked to mainland newspapers. We found out later it was a local reporter, Terry Cringle, who had spread the word. But we could understand even less why the national news media were so interested, and why their interest persisted for several weeks, well into the new year.

We eventually appeared on various radio and television programmes, and a whole BBC *24 Hours* programme was dedicated to our efforts.

We can never be grateful enough to the press and other media for their support. But for them, we would perhaps have qualified for three lines in a local paper, a bit of ridicule, and continued general indifference.

All the while, the three of us carried on as best we could with our normal activities: Millicent with her husband and two grown-up children runs a family hotel; Valerie is a full-time journalist, and I am a full-time business woman, mother, and honorary French consul. We met almost daily, after our day's work, and held "meetings" which lasted till the early hours of the morning.

Reaction on the island was swift and predictable. We were troublemakers. We were not Manx. We had no right to interfere. Leader writers and readers' letters

poured scorn and abuse on us. We did not care for the victims. We were misguided, and so on *ad nauseam*. Yet all we were asking for this time was an inquiry: of course, the national press simplified our position and called us the "anti-birchers" or the "abolitionists".

We were given wonderful help and support by a small group of great people, all of whom met the same difficulty as we did, namely the number of people whom they would have sworn to be enlightened, warm, compassionate human beings, but who in fact were rigidly entrenched in their prejudices, and did not want to know or to hear anything that might upset their convictions. It soon became clear that it would be hard to obtain the set target of 1000 signatures. We managed just over five hundred, after several weeks of concentrated effort.

Two counter-petitions to "Keep the Birch" met with colossal success, collecting over 7,000 signatures in a couple of days, at football matches, in pubs, outside chapels, in shops, and in the street. This did not discourage us; we knew where the popular feeling lay, and in any case our petition was only for an inquiry, not for the abolition of corporal punishment. What did hurt and alarm us was the reticence of educated people, including many who had dealings with young people. Even the Isle of Man Meeting of Quakers, of whom I am a member, did not give us its support as a Meeting, although several individuals worked extremely hard for us, and 20 Quakers signed our petition.

A well-meaning couple offered £100 to form an "anti-birching society". By way of reaction, a new resident offered £200 to form a "keep the birch society". Whenever two or three Manx residents gathered, the birch was discussed, in shops, schools, offices, homes, on buses, in pubs, at church meetings, in youth clubs . . . The whole island buzzed. Yet neither then, nor since, have any of us three, or other "anti-birchers", ever been asked to address any group on the subject. All the leading national newspapers, Sunday as well as dailies, television and radio producers, were and are anxious to hear our views, but neither the local press, nor the many organisations who need a quota of speakers, have ever given us an opportunity to explain our views.

This book is being published to put the facts about birching — as far as we have been able to establish them — before as wide a public as possible, both in the island and outside it.

*Angela Kneale
Port St. Mary
Spring 1972*

Details from the Chief Constables' Reports

Flogging, birching, whipping, caning; all forms of judicial corporal punishment were abolished in the United Kingdom by 1948, but remained on the statute books of the Channel Isles and of the Isle of Man. It is common practice for Tynwald, the Manx Parliament, to follow British legislation for reasons of expediency. For instance, Acts passed in Whitehall concerning decimalisation, British Summer Time, the health services, education and so on, are "rubber-stamped" by Tynwald. But the Isle of Man is tenacious of its "differences", which lie mainly in financial matters, land tenure laws, and the Criminal Law. At present, in 1973, the Isle of Man still possesses the death penalty; it still prosecutes consenting adults for homosexual behaviour even in private; attempted suicide is still technically a crime; abortion is illegal, and judicial corporal punishment is still in existence.

There was a lull in the use of corporal punishment in the years following the second world war, at the time when I came to live in the island in 1947. It has been claimed in more than one Chief Constable's Report that the birch was not used between 1946 and 1952, but a 1948 newspaper (*Mona's Herald* April 27) reveals that three boys, aged 13, 14 and 16 "would receive six strokes each". They had broken out twice from the detention quarters and done "more stealing". There may well have been other such cases in these allegedly fallow years, but there were not many.

From 1952, sentences of corporal punishment became common, and a good way to investigate the subject was to study the Chief Constable's (CC's) Reports for basic information. Using them as a guide-line, statistics could be established based on the figures given. However, events developed in such a way that it became necessary for me to do more research.

Two petitions were presented to the authorities of the island, both asking not for abolition, but simply for an inquiry into the law, the categories of offences for which corporal punishment could be ordered, and a follow-up of case histories. The first of these petitions was presented to His Excellency the Lt. Governor, Sir Peter Stallard, in December 1969; the second was presented publicly to the Assembly of Tynwald, during the annual open air ceremony of Tynwald Day on July 5, 1971. Petitions of Redress, or of Grievance, are an ancient and historic right of Manx residents. Two other Petitions, with entirely different concerns, were presented at the same time, but were both ruled out of order on some technicality. Only the "birching" petition was correct, and had to be accepted, but it met with a wall of silence. Tynwald took no action, and the subject was not debated. Both petitions are, presumably, gathering dust in some archives.

There was nothing left to do but to start a private inquiry. As police files are not available to members of the public, and the CC's Reports were somewhat cryptic, the best remaining source of information was the island press. Public libraries

keep copies of old newspapers, and practically all the information in the present book was gathered by me from press reports.

It soon became clear that the CC's Reports did not always match the press reports. In 1952, the only newspaper to report the case quotes a 15 year old as having been birched (*MH*¹ *November 11*) for larceny, but the CC's Report mentions no boy older than 14 as having been birched. In 1958, a 15 year old boy was given nine strokes of the birch for larceny "the severest sentence imposed on a juvenile" (*WT January 3, RC January 10*), although before the 1960 legislation, lay magistrates were only supposed to order corporal punishment to boys aged under 15. This case is not mentioned in the CC's Report for 1958, which quotes only one 13 year old, birched for simple and minor larceny.

The previous year, 1957, another 15 year old was sentenced to eight strokes of the birch for breaking and entering and larcenies (the Chairman of the Bench being J.B. Mylchreest) and this time the fact was reported in the CC's Report. (*MH September 3, 1957*).

Sifting through the newspapers, more "extra" cases turned up, one 12 (or 13) year old in 1956, one 15 year old in 1957, the already mentioned 15 year old in 1958, and two 16 year olds in 1961, a total of five which may be incomplete. Only a research team with unlimited time could claim absolute thoroughness; or better still, a Commission of Inquiry, which would have access to official files and records.

The tracing of individual cases was easiest when the CC's Reports gave maximum information, i.e. the age of each boy, the number of strokes, the type of offence committed, and whether resident or non-resident. Names and dates are never given. The first Report in which sentences of corporal punishment are given separate attention was 1952, when judicial birching was acknowledged to have been resumed. It only gave the age and the strokes, as follows:

8 year old (1 stroke), 9 year old (1 stroke), 10 year old (3 strokes),
12 year old (2 strokes), 13 year old (3 strokes), 14 year old (4 strokes),
14 year old (4 strokes), 14 year old (6 strokes).

It was not much to go on, but more useful than the reports for the next three years which only indicated the number of juveniles birched, and the type of offences committed:

1953: 3 juveniles birched — Breaking and Entering (2) Larceny in House (1)
1954: 4 juveniles birched — Breaking and Entering (3) Larceny from Shop (1)
1955: 5 juveniles birched — Breaking and Entering (3) Larcenies (2)

From 1956 to 1958, all the necessary information is given, but not explicitly matched. It is only in the 1959 Report and more recent ones that everything is clearly spelt out. There are small contradictions between the C.C.'s reports and the press reports, even for these years, regarding the boys' ages or the number of strokes, but this could be due to journalistic errors, or to the Chief Constable being wrongly informed.

1. The island newspapers are referred to for brevity as follows: MH — *Mona's Herald*; WT — *Isle of Man Weekly Times*; DT — *Isle of Man Daily Times*; Ex — *Isle of Man Examiner*; RC — *Ramsey Courier*.

Although there is no doubt that birching waned in the post-war period, intermittent rumblings were voiced through the local press. "A good birching is what you need" said a lady magistrate to a 10 year old (*WT January 19, 1952*). "You may be birched next time", said a woman magistrate to a 12 year old who had stolen a spade (*WT February 24, 1954*). The Prosecuting Police Inspector, T. Cringle, to boys in court: "If you come here again, you'll get the birch" (*Ex, March 21, 1952*). "Birch warnings" were endemic and the occasional leader writer and authors of letters to the editors of the island press extolled the virtues of corporal punishment, and expressed their regret that it was not applied more often.

One might wonder why 1952 was a turning point, and why the number of sentences of corporal punishment shot up suddenly from 0 to 8 in that year. It has been suggested that its re-introduction was somehow connected with an increase in crime in Great Britain in the early days of "Teddy Boys". But this idea is untenable, if not downright bizarre, in view of the age group of the boys who were birched, all of whom were mere schoolboys. Under the Summary Jurisdiction Act of 1927, then in operation, lay magistrates could order corporal punishment to boys aged over seven, but under 15. This would hardly deter "Teddy Boys", who were part of an older age group.

The year 1952 deserves special attention and close scrutiny, for it was a milestone in the history of the Isle of Man, which was to affect well over a hundred offenders and their families in the next twenty years, and will continue to do so as long as corporal punishment remains on the statute books.

The fairly frequent references to corporal punishment in the island press in the late forties and early fifties could be interpreted as a symptom, and a lasting memorial to the widespread desire to reintroduce it which was expressed by readers, members of the police force, leader-writers, and several magistrates. In his Report for 1951, the then Chief Constable, Major J.W. Young, positively encouraged magistrates in the direction of popular demand:

"Juvenile crime shows no improvement . . . There are of course a few cases where children will not conform to the dictates of their parents, no matter what remedial measures are taken. It only remains for the courts to impose a punishment in these cases whereby, in experiencing discomfort and pain, these children will deeply reflect before again committing a crime."

Major Young obviously believed in the myth that, having been birched, boys do not commit further crimes. It is clear that he had not read the Cadogan Report (Cmnd. 5684 pub. HMSO 1938), or he would have known that the subsequent criminal record of offenders who had been birched or flogged was worse than that of offenders who had not been subjected to physical punishment. In his next annual Report, for 1952, Major Young wrote:

"The system of treating juvenile delinquents with leniency rather than disciplining them, has failed miserably. Appeals to the better nature of these children have produced nothing but contempt for the leniency showed. But the use of the birch has proved very effective . . . The birch, which had not been ordered by a court since 1946 was awarded to eight juveniles during 1952. It was found in the past that in the great majority of cases where it was found necessary to or-

der the birch, the juveniles involved did not come again to the notice of the Police. Two boys, during 1952, after being birched, were again brought before the court, but it cannot be assumed from this that the birch is not an effective deterrent."

One of the "two boys" in question was a 10 year old who, in March (*MH March 11, 1952*) had received three strokes "for stealing a school satchel and contents". He was before the court again the following December (*MH December 30, 1952*) for stealing money from a house. He was by then 11 years old. His parents were divorced; he lived with his father and step-mother. He re-offended again and again, committing a series of petty thefts, until the bench decided to send him to an approved school. His mother, who lived in England and had custody of the boy's sister, protested against the decision to send him to approved school, and tried in vain to obtain an opportunity to ask a High Court to keep the boy. Her request for an appeal was dismissed. (*MH January 6, Ex. January 9, 1953*).

The other re-offender was a 14 (or 15) year old boy, who with another boy of 14 had been "awarded" four strokes for stealing a watch from a jeweller's shop, and some biscuits from a school (*MH November 11, 1952*). This was in November. He re-offended within two or three weeks, in December, and went on offending until he was sent to an approved school in January 1953 (*MH January 27, 1953*). This boy had an unhappy background; it was revealed at the December court hearing that he had wandered all round Douglas for several nights, "which seemed to indicate that there was something radically wrong with him".¹ In November, when he and his companion were birched, it was stated that "one of them had run away from home, and the other had played truant from school for 47 days without his parents knowing".

Major Young went on, in his Report for 1952, to quote the case of

"two boys, aged 8 and 9, who were apprehended on three occasions. On the last occasion, as part of the punishment, each boy was ordered one stroke of the birch, which up to the present appears to have produced the desired effect".

The "desired effect" did not last long; these two very small boys, who had been birched in October (*MH October 7, 1952*), were before the court again in February 1953 (*MH February 24, 1953*) on a charge of stealing a purse. They were by then aged nine and ten. The eldest boy was committed to an approved school.

So, by the time this Report for 1952 was released, in May 1953, four out of the eight birched boys had already reappeared in court, which is a 50 per cent short-term failure, although Major Young seemed to be aware only of two re-offenders. It might prove even worse if police files were open to inspection; the above findings come only from patiently reading old newspapers.

In spite of the obvious evidence of quick re-offending, Major Young in his Report for 1953, commenting on a drop in juvenile crime, wrote:

"Whilst no tangible reason can be given for the improvement in the position regarding juveniles, it may well be that the re-introduction of the birch for apparently incorrigible cases has had a beneficial effect."

1. Author's italics are used for emphasis in quotations throughout the book.

The boy who was birched at the age of eight went on giving a lot of trouble, although he was described as being "of high intelligence" with "above average school-work", who "could do well academically" (*MH September 7, 1954*). He was birched a second time at the age of ten, in July 1954 (*MH August 3, 1954*) for "stealing mineral waters and potato crisps from a hut". Within a month of his second birching he was up in court again for stealing a bicycle (*MH August 31, 1954*). The boy said his mother had promised him one, and did not get him one, so he stole one instead. He was given a conditional discharge for one month, during which he again offended (*MH October 12, 1954*). He was eventually sent to approved school in November 1954 (*MH November 2*), having committed further offences, mostly petty larcenies.

By a strange coincidence, part of his saga is reported in an island paper alongside an obituary of Major Young (*MH September 7, 1954*). "Parents must learn to control boy" is the next headline to "Tribute to Major Young".

Larcenies Punished by Birching

There is an almost universal belief that boys in the Isle of Man who get birched have committed a crime of violence. Nothing could be further from the truth. The classic popular example is that of thugs who hit old ladies on the head. In the sections of the Manx press I have studied, I came across only one juvenile who did hit a lady on the head, causing her lacerations which required stitching. She was attacked by a 15 year old, and the only reason I can give for him not being birched for the assault is that he had already been birched on two previous occasions, though not for crimes of violence (*WT September 14 and 21, 1956, Ex. September 28, 1956*).

He was birched for the first time at the age of 12 for attempted shopbreaking and petty larcenies and for the second time when he was 14 — four strokes for “stealing bulbs from electric lamp standards, and breaking windows”. (*MH November 2, 1954, March 6, 1956*). The assault on the woman, a holiday-maker, occurred six months after his second birching. At the time of the first birching, when he was 12, another boy was birched for the same offence, and he too was given a second birching, less than a year later (*Ex. October 29, WT October 30, 1955*).

The boy who injured the lady was called Peter Mitchell. He died in prison at the age of 26. The tragic story of his short life was reported at length in the *Sunday Times* of November 23, 1969. Penal reformers have, from time immemorial, been accused of sympathising with the offenders, while forgetting the victims. More of that later, but Mitchell ought to be considered. He didn't have a chance from birth. There was discord at home; the mother he passionately loved died of cancer one month before the assault occurred. He appeared at courts in Douglas, Huddersfield, Liverpool and Manchester; he went through approved schools, borstals, mental hospitals and prisons, eventually dying in Douglas gaol in September, 1968. The post-mortem revealed evidence of long-standing heart strain. In April, 1968, Deemster (Manx name for judge) G.E. Moore imposed an additional sentence on him, eight months imprisonment “for stealing £5.16.3 from a cupboard in the mental hospital” (*MH April 23, 1968*). The eight months were to be added to a sentence he was serving for taking away a vehicle. He did not live long enough to serve his time.

This young man's career has been told by a relative, and one can write about the dead without fear of hurting them any more. How many similar cases would be unearthed by an official inquiry? Isn't the island an ideal community in which to study the follow-up of cases? It could be done in a few days by an expert team, given the co-operation of the authorities.

Figures and statistics are a bore to many people, but in order to obtain some idea of the subject, one must at some point or other quote them. The present results of amateur research, which is certainly not complete, have found in the 20 year period

1952 to 1971 inclusive, 105 cases of juveniles, aged from 8 to 16, who have had judicial corporal punishment. Several of these were "double birchings". Twenty-one adults were birched in the same period, including one male prisoner in 1959 for a breach of prison discipline.

Far from violence being the main reason for boys being birched, the overwhelming cause is larceny — stealing. The breakdown of the 105 juvenile cases, as I found it, is: 3 for indecent assaults, 13 for assaults, 1 for school truancy, 1 for damaging a car, and 87 for larcenies, which were sometimes combined with breaking and entering.

The principal target for thefts by juveniles seems to be money (38), closely followed by objects dear to boys; bicycles, toys, fireworks, torches, camping equipment, etc. (25). Next, thefts of food, drink and sweets, pop, fruit, milk, tinned foods, crisps, beer, chocolate (22). Nine boys who were birched had stolen a watch, and eight took a motor vehicle. I found seven who had stolen rifles, seven cases of shoplifting, and five of sundry larcenies impossible to classify: bunches of keys, a telescope, household goods.

Breaking and entering seems much more likely to occur in shops, stores, factories and garages (28) than housebreaking (7), or thefts from cars (3). Many boys had multiple charges, which accounts for the higher total of offences than offenders.

See Appendix One for tables of the cases involving corporal punishment for the 21 years 1952-1972.

Juveniles Birched for Crimes of Violence

As stated in the last chapter, only 13 juveniles were ordered corporal punishment in the Isle of Man for crimes of violence in the period under review (1952-1971). Given such a small number, it is possible to look at them individually.

Case No. 1

During the period from 1952 there had already been 52 cases of birching juveniles, all for petty crimes without any hint at violence when, in June 1960, the local newspapers could go to town over a 14 year old London boy who was convicted, among other things, of "demanding money with menaces" (*WT June 3, 1960*). This sounds fierce, and conjures up frightening images. The Chairman of the Bench of Magistrates, W.E. Quayle, MHK (Member of the House of Keys, or MP) is reported as saying: "We have heard today a chapter of juvenile crime, a story of experienced gangsterism . . ." The boy was put on detention for one month on other charges, including the theft of a hammer, a wooden gong-stick "with a knob on the end", and a string of lead weights, from a hotel where he had been employed as a hall-porter. It was for "demanding money with menaces" that he was ordered six strokes of the birch.

What did, in fact, happen? According to a lengthy newspaper report, the shopkeeper, described as an "elderly" man said: "... In the afternoon, this boy who had been in before to buy sweets, came into my shop. The boy closed the door, putting his hand inside his jacket, said that he wanted the money out of the till. I picked up a large bottle of pop intending to use it on him, but he ran out."

A constable said the boy told him: "Yes, I wanted the money. I ran away from home on May 3 and got to the Isle of Man a fortnight ago. What money I had, had run out and I wanted money to get away again. I thought I would go in the shop and stick up the man. I had a hammer and gongstick stuck in my belt, and a string of lead weights in my pocket. I took the hammer out of my pocket when I asked for the money out of the till . . ."

On reading these two statements carefully, at least two questions come to mind; first, was the boy cautioned, and second, why wasn't he legally represented? The serious charge of "demanding money with menaces" seems, from this press report at any rate, to have come from the boy's own mouth. The shopkeeper only said that the boy "put his hand inside his jacket", a gesture which is not in itself menacing. Then the boy's statement is self-contradictory. The lead weights were said to be in his pocket, and the hammer stuck in his belt. A moment later he says he "took the hammer out of his pocket". There is no record of uttering threats. The boy ran out as soon as the shopkeeper picked up a bottle of pop. Is this what Mr. Quayle refers to as "experienced gangsterism" which prompted a leader writer to state: "The case this week was given a considerable amount of publicity, and to our mind it is not

undesirable publicity . . . it lets young hooligans know that they are not wanted here. If they come and commit offences of violence they can expect a treatment which they will not like".

Fortunately, the then Chief Constable, Mr. Beaty-Pownall, had a better sense of proportion than either Mr. Quayle or the island journalists: in January, 1961 he said, referring to the year 1960 "We have had no gangsterism or anything serious". I contend that this much inflated story hardly qualifies as a "crime of violence" and would thus reduce the list from 13 to 12.

Cases No. 2 and 3 (*Omitted in the CC's Report for 1961.*)

After what is variously described as a "Fracas at a Dance" and a "Rumpus at a Rock-and-Roll Dance", two 16 year old boys from the north of the island were sentenced to be birched, and to one month's detention. The oldest of the two was given six strokes for "assault" and the youngest, three strokes for "breach of the peace". Four other young men were charged with them, three with assault and/or carrying an offensive weapon, and one with drinking under age. (The latter had been birched when a boy, in the fifties.) The youngest boy who was ordered three strokes of the birch had a previous clear record, and was thus a first offender.

I doubt whether dance and pub brawls, with no report of injuries, are what people have in mind when they speak of "crimes of violence" so I would dismiss these two as well, which leaves ten cases to be examined.

(Ex. August 31, 1961)

Case No. 4

This was a 16 year old Liverpool boy, a cabin steward with the Isle of Man Steam Packet Co. He and another boy of 15 attacked two youths from Nottingham, aged 19 and 17. He was given six strokes of the birch for assault causing actual bodily harm. This is, of course, a crime of violence, although the victim was a young man, not the proverbial old lady. So the score stands at one, and, for the record, his was the seventieth birching of a juvenile since 1952

(MH May 26, 1962)

Case No. 5

A 16 year old Manx boy assaulted an English boy of the same age, who was camping on the island with the Boy's Brigade, and who suffered actual bodily harm. The defendant mistook the boy he assaulted; he thought he was "going out with my girl". It is interesting to note that he had three previous convictions for larceny, had been committed to approved school, and was still on probation. Had he been birched previously? His sentence was six strokes of the birch. This was a second crime of violence, in which the victim was a young male. (Between this case and the previous one, nine more children were given the cane or the birch, eight for petty larcenies, and one for persistent truancy from school).

(WT July 26, 1963)

Case No. 6

Yet another 16 year old Manx boy was given four strokes of the birch for com-

mon assault. He seems to have taken a dislike to a young male visitor in a snack-bar, and punched him on the cheek. The witness said he "stood up and lashed out with his feet. The boy wanted him to go outside, and would not let a lady close the door". Defendant said "Witness kept staring at him" and he "put his hand up and did not hit him. Witness kicked him twice". Not very bad, no blood drawn, but still, I would consider this a "crime of violence", making three. Meanwhile, since case five, 12 more youngsters had been given corporal punishment for larcenies.

(WT July 17, 1964)

Case No. 7

Again a 16 year old, non-resident this time (whose 18 year old companion was sent to prison for one month) was given six strokes of the birch, and a month's detention. Three young holiday makers were set upon "by a gang of lads, all crews of Isle of Man Steam Packet Co.". The first youth attacked suffered a broken nose, so the charge was assault causing actual bodily harm, making four. Once more the victim was a young man.

(MH August 15, 1967)

Case No. 8

Yet another 16 year old, a local resident, was convicted of "malicious wounding" by stabbing another youth during a dance at the Witches' Mill, in Castletown. The defendant had been drinking, five pints of beer and five brown ales, by his own admission. The youth he stabbed with a penknife was his best friend, who insisted it was an accident. However, an injury was sustained and the "score" rises to five.

(MH November 21, 1967)

Case No. 9

This 16 year old, described only as a "non-resident", became aggressive outside a discotheque, popularly known as a trouble spot. He went berserk and was almost certainly drunk. He was sentenced to four strokes of the birch for assault, and twelve weeks imprisonment on other charges. Score: six. His victim was another youth.

(MH June 24, 1969)

Cases No. 10 and 11

Two more 16 year old Manx boys were ordered four strokes of the birch each for punching and kicking two London youths who were in the island on holiday. There is no excuse for this sort of behaviour, but the reason was probably that they had drunk to excess. Score: eight. These two have re-offended several times since their birching.

(MH July 1, 1969)

Case No. 12

Another 16 year old, whose case was reported in the national press, was ordered

four strokes of the birch for common assault, caused by firing pellets with an air pistol from a moving car, and slightly injuring a teenage boy and girl. He also is a re-offender, for assault, breaking and entering etc. Making nine crimes of violence.
(*National press and locals, November 1969*)

Case No. 13

A 13 year old was given four strokes of the cane and a month's detention after he was convicted of "robbery with violence", for taking 10p from a 12 year old after a scuffle in which he punched the other boy. This is technically a crime of violence, but as this sort of behaviour goes on every day at every boy's school, in every street of every town all over the country, I claim it can be dismissed. This case ought never to have reached a court, but if that was unavoidable, surely "larceny from the person" would have been sufficient. The consequences of having a police record for "violence" are very far-reaching and long-lasting. Less than a year later, the boy was committed to approved school after several convictions for thefts.

(*National and all Island press, May 1971*)

(*WT March 9, 1972*)

To sum up, out of 13 crimes described as violent for which juveniles have been birched, only nine survive close scrutiny. Except for the girl whose arm was grazed by an air-pellet, all the victims were young men. Many cases were connected with drink. One youth was first offender. Several residents of the Island whose subsequent career can sometimes be followed, are known to have re-offended.

But even after reading this chapter I fear that many people will still insist that only "thugs" get birched, for crimes of violence, so strong is the prejudice in their mind. The facts show nine cases of actual violence, and four of mitigated violence, out of 105 juveniles birched.

CHAPTER IV

Birching for Indecent Assault

In March 1957 a 14 year old boy was given six strokes of the birch after he was found guilty of three indecent assaults: one on a girl of 10 who "was not entirely blameless," one on a boy of 13 — "a disgusting affair, behaved more like an animal than a human being". The third and more serious offence was committed against an eight year old boy, who was made to take off his clothes, and on whom violence and threats were used.

Nothing much is said of this boy's obviously disturbed background, but "the Bench were impressed with the change in the defendant since he had been in detention. They could hardly believe that the photos taken at the time of his detention, of a seedy, bedraggled boy who could not take care of himself, *or appear to have anyone to take care of him*, were of the same youth". The boy took his birching, and was before a court again 11 months later, on charges of stealing. (Information from *MH March 26, 1957* and *WT February 7, 1958*).

In May 1959 another 14 year old was given three strokes of the birch for indecent assaults on three little girls, aged eight, six and nine. He appears to have had a stable home and loving relatives. His minister of religion spoke on his behalf in court. Although it is not stated specifically in the newspaper report that he had a previous clean record, this can almost be taken for granted (*MH May 5, 1959*).

The third juvenile to be given the birch — six strokes for "indecent assault on a female under 16" — in September 1965 was a 15 year old Irish schoolboy, who had no previous record. He had come to work in a Douglas hotel for a few weeks, to earn some pocket money. He was enticed to spend the night with a girl holiday-maker aged 15 (who was stated by a doctor to "appear older"), in the flat of a friend of the girl's. Her cousin was with her and also spent the night with a youth. Police Inspector J. Clague emphasised that there was no suggestion that the girl was anything but a willing partner. I cannot but wonder whether, in the circumstances the actual charge was "unlawful carnal knowledge" rather than "indecent assault" as reported by the newspapers.

There was a lot of disquiet on the island over this birching, among the police and the public at large. Even some of the more rabid birchers tut-tutted over the affair. The boy's mother, a widow, came over from Eire for the hearing. The Chairman of the magistrates on the bench, Mr. H.B. Toothill, told her: "We feel the boy has lacked a father's hand, and have taken that in consideration in assessing sentence". (*WT September 10, 1965*).

All forms of corporal punishment are fraught with danger. On the purely physical plane, the little research it has been possible to carry out has unearthed a man with a weak heart who was birched twice as a boy, and died young; a young man who was birched in spite of a history of epilepsy; a boy who had attempted suicide two

days prior to being birched; and one youth who was birched before a severe, but hard to detect abdominal disease was discovered. There have probably been many more occasions when the recipients of punishment, in spite of being given a perfunctory medical check for fitness, were suffering from hidden conditions which corporal punishment might have made worse.

As this book was going to press, an 18 year old first offender who was sentenced to four strokes of the birch and three years imprisonment appealed successfully against the birching. The defendant had been described in court as mentally ill, suffering from acute anxiety, with an underlying depressive illness. He had received psychiatric treatment at the age of 12 (for details see Chapter VIII).

But to me, and to people of my frame of mind, every birching or caning is itself an indecent assault. The ritual of being "examined" by a doctor, the lowering of trousers, the exposing of buttocks to several total strangers, the coercion of burly policemen holding one down, the ignominy of the whole brutal, primitive and pointless act (more so when one remembers that in this performance the victims have mainly been young boys), what else can one call this but an assault, indecent to the givers, the beholders, and the recipients?

CHAPTER V

Birched Adults

When looking up the cases of adults who have been birched, several conclusions can be reached rapidly. First, how few they are, 20 in 21 years as opposed to well over a hundred juveniles in the same period. Secondly, how often drinking to excess is involved; already in his 1950 Report, the Chief Constable had written:

"It is noticeable that, almost without exception, intoxicating liquor and/or licensed premises have, to some extent, entered into offences involving violence".

Thirdly, whereas the large majority of juveniles birched have been Manx, in the case of adults the majority have been non-resident — 12 out of 20. They came from Glasgow (5), Liverpool (4), Manchester (1), Oldham (1) and Dublin (1).

All 20 of them were young men aged between 17 and 20. Four were ordered the birch by Deemsters (judges), two by the High-Bailiff, and the others by lay magistrates.

The Deemsters have always had the power, in the Isle of Man, to impose corporal punishment on males of any age for a wide variety of offences. The Larceny Act of Tynwald 1946 stipulates up to 50 lashes "of an instrument to be specified by the Court". Nowadays, the maximum number of strokes a stipendiary magistrate may order is 20, and the instrument is a birch rod.

Most of the adults sentenced to corporal punishment were in addition made to pay fines, or to serve terms of imprisonment, or both. A very severe combined sentence was passed in 1956 on a 20 year old Liverpool man: ten strokes of the birch and 12 months hard labour. His Dublin companion, aged 18, was given six strokes as well and 12 months imprisonment without hard labour. They had stolen money from a Scots holidaymaker who had been so drunk at the time of the offence that he could recall nothing, and could offer no resistance. The assault and robbery took place in July; the sentences were passed September and October respectively. The Dubliner pleaded not guilty, and was described by a local newspaper heading as the "Man who stood by when Scot was attacked".

When passing sentence, Deemster Cain explained:

"The maximum penalty under Manx Law was imprisonment for life and a whipping. Because the prisoners were under twenty-one, the instrument for the whipping would be a birch, and not the cat o' nine tails".

(MH September 11, 1956)

This case was alluded to in a rather sensational news feature in an English daily paper in May, 1972. It quoted what purported to be "some of the crimes which merited this punishment", giving grossly exaggerated examples including: "... the elderly Scotsman who was paralysed by an attack by two youths ...". I tackled

the newspaper in question about the truth of these reports, and I was referred to a local reporter on the island, who had given them the information. I telephoned the reporter, who became rapidly abusive and hysterical. He shouted that he had reported the case himself, that the Scot spent months in hospital and had lost the use of his limbs, that the two Liverpool thugs got the cat, and two years each . . . he eventually slammed the telephone down, and would not listen to one word from me after my initial question.

Here are the facts, as found in several local newspapers: the 'elderly' Scotsman was aged 39. He spent five days in hospital, and was in court on the sixth day. A doctor is quoted in one report as describing the Scot's injuries as "minor facial cuts and abrasions". The offenders were given the birch, not the cat, and they were imprisoned for 12 months, not for two years — and one of them was from Dublin.

Another pair aged 20 and 18, but Manxmen this time, were each ordered six strokes of the birch and 21 months imprisonment by Deemster Moore, in 1965. Hard labour had been abolished two years before. In this case also, there was a long gap between the offence (December 12, 1964) and the Court hearing (April, 1965). They had been charged with rape, but a jury found them guilty only of attempted rape, and indecent assault. Deemster Moore explained that "he felt justified in coming to the conclusion that the assault which formed part of the offence of attempted rape and the indecent assaults, were assaults which caused actual bodily harm, and the Court could order the two to be whipped".

A doctor who had examined the girl victim immediately after the alleged offence, whom he described as "a simple child with intelligence not up to average", said there was "no evidence of injury or rape . . . it would be impossible to say whether she was a virgin or not . . . he could find no physical signs that intercourse took place . . ."

The trial spread over eight days, and was dramatically held up at one point when one of the accused youths collapsed in the dock, and had to be taken to hospital. The Prosecutor explained that "he has taken something but we do not know what". The two youths were sent for a medical examination before the passing of sentence.

The first bench of lay magistrates to order the birching of an adult had Mr. W.E. Quayle as chairman. On the same day, he ordered the whipping of two runaway London boys, for housebreaking. The accused "adult" was a burly, fair-haired 17 year old seaman from Liverpool, employed by the Isle of Man Steam Packet. He had assaulted a 19 year old Glaswegian. Both were very drunk at the time, 11.45 p.m., and the victim could not remember much . . . The offender did not give evidence, he was represented by a Manx counsel who is quoted as saying: "He comes from one of the tougher areas of Liverpool, and I would draw your attention to the fact that you now have the power to administer a short sharp shock under the new Act". He felt that no useful purpose would be served by sending him to prison.

The bench, however, as well as ordering six strokes of the birch, imposed a prison sentence of four months with hard labour, and a compensation order for £14 for the victim's damaged suit, or alternatively an additional two months. (The compensation order was quashed some weeks later as the magistrates had exceeded their powers — *WT August 12, 1960*).

An ex-police constable who, during his time in the force used to administer a

fair share of the birchings, described this particular episode on television in the course of a *24 Hours* programme: "He was awarded six strokes of the birch, and fined £25 and sentenced to three months imprisonment. And he said he would rather have all birch. So we took him into the room, where he was put over this table, and he didn't want anyone to hold him down, he said he would stand at the table on his own, and I cut the birch and administered it in this way (demonstration) and after the first stroke it took five policemen to hold him down, and the doctor was present at the time, and told me to carry on, whereupon he got the other five (demonstration). After that he was taken back to the cell where he was left there for about half an hour, and then taken to prison, where he spent the next two months, out of the three".

Interviewer: "What sort of condition was he in when he'd received those five strokes?"

"Well, I would say he was cut pretty badly, and from what I can gather from the prison officer at Victoria Road, the marks were still on his backside as when he went in, they were still there when he came out."

Interviewer: "How long was that?"

"Two months anyway, at least."

Interviewer: "But isn't the whole business really rather degrading?"

"I think so, yes, I think it's very degrading for a chap to have his trousers taken down, especially a grown man, and have his bare backside exposed to everybody, and to be birched. I think that's more of a punishment really than the actual birch. For anyone that's inclined to be a violent tough person, I don't think the birching will do very much, I think that the biggest part of it is definitely the fact that you are humiliated by having to take your trousers off."

Three years later, in 1963, this unfortunate young man's case was again referred to, this time in the House of Keys, where a member said: "It took six policemen to hold him down. He got a gaol sentence too." (p.1199 of 1963 Tynwald debates reports).

In almost all the other cases except J.C.'s (see Chapter XI), the offenders and many of their victims were stated to be drunk, some "drunk and incapable". It is a tedious, repetitive round of pub brawls and fights among young men, or gang warfare. One story which made the national newspapers was that of four Glasgow youths who, in a state of high drunkenness on Douglas promenade, attacked another visitor who was attempting to curb their language and behaviour. They were each given nine strokes of the birch, and fined. The story was given wide publicity. The rest of the British Isles may be forgiven if it concluded that this was the only assault that occurred in the Isle of Man that year.

The local papers were full of glee: "Scots say Cheers for the Isle of Man" — "Support for Birching" — "When will Scotland bring back the Birch?" etc. . . . I believe this incident and the publicity it was given are largely responsible for the extraordinary belief (referred to in Chapter 3) so firmly held everywhere including the Isle

of Man, that the birch is ordered only for vicious assaults. Everyone seems to have read, and remembered, this particular case, but the fate of the children whose stories have been ignored by the mass media is unknown

Lest anyone should feel that 20 crimes of violence in 21 years is a good record, let me hasten to add that these are but a minute fraction of the assaults committed on the island.

CHAPTER VI

The Island Press

There are six weekly newspapers on the island: the *Isle of Man Examiner*, *Isle of Man Times* and the *Manx Star* in one group, the *Isle of Man Courier* (previously *Ramsey Courier*), *Mona's Herald* and *Sunday News* in another.

Only the *Manx Star* has had a consistent policy of opposition to the birch — in recent years, and it has been denounced for its anti-Government stand as a "scurrilous rag" by at least one member of the Manx Establishment.

In all papers an inordinate amount of space is given to reports of meetings, the activities of women's organisations, dilettantes, dinners, dances, weddings, whist drives, jumble sales, sports events, coffee mornings, committee reports, every kind of social gathering and harmless but frivolous endeavours. There is little serious comment on the Manx scene, and a striking lack of interest in social problems. Poverty, poor housing, low wages, unsupported mothers, children at risk, alcoholism are rarely investigated in depth. The social conscience is asleep in the Isle of Man.

The power of the press is enormous, especially that of the local press in a tightly-knit island community. All newspapers actively and consistently supported judicial corporal punishment (until Valerie Roach became editor of the *Manx Star*). Leading articles headlined "Six of the Best", "The Lesson", "Dealing with Hooliganism" and so on have frequently appeared over the years. Columnists or feature writers either ignore the subject, or, more often, give it their approval. Every scrap of outside support for judicial corporal punishment instancing the island as an example is carefully reprinted. Whenever a single individual (councillor, magistrate, teacher) or a group (trade association, women's organisations) utter a word in that direction, it is smugly reported. Criticism, on the other hand, is ignored or openly resented. No wonder the Manx people genuinely believe that the island has the envy of the world — their newspapers have seen to this by their attitude.

When a birching is ordered for a crime of violence, it is prominently reported in all the local newspapers. Reports of the children's cases, on the other hand, are unobtrusively tucked away in such a way that, even when looking for them, one is hard put to find them. The more shocking the case, the more it is played down — if it is reported at all.

Manx residents who subscribe only to one, or even to two of the five newspapers could not possibly be aware of all the cases that happened. Quite a number were reported in only one newspaper. The small circulation *Mona's Herald* is the most reliable source of information on crime in Douglas, but it sometimes omits court reports from other towns.

Several cases which eluded me for weeks on end were eventually traced in the *Mona's Herald*, as for instance the following report, which took up one inch single column on page three, lost in advertisements: "Boys birched — Two boys, aged nine

and 12, were ordered three strokes of the birch each by the Douglas Juvenile Magistrates when they admitted thefts from a stall at Onchan Head. They had stolen 40 darts, several toys and cash."

Only the *Mona's Herald* and the *Examiner* carried the story, albeit in a modest way. The other newspapers in the same week gave prominent displays of welcome to HM the Queen and the Duke of Edinburgh on the occasion of their first visit to the Isle, and whether the editors suppressed this shabby little story on purpose, so as not to attract the royal attention to Manx ways, or whether they judged it to be unimportant, is a matter for conjecture. They have, after all, both before and since this particular case, reported absolutely ghastly stories in the most callous matter-of-fact way, with never a hint of compassion for the children, or criticism of "birching magistrates", on the contrary, the latter tend to be the newspapers' blue-eyed boys.

Only one leader writer, H.L. Dor, showed concern for the poor and their offspring. Only one journalist, Olive Tyson, in the *Weekly Times* (1960-66) campaigned vigorously for a proper remand home and detention quarters, and openly questioned birching.

Manx editors do more than encourage corporal punishment, they perpetuate the false image of a "crime free" island. One constantly reads of "this peaceful island" where "violence is unknown", while numerous crimes are reported in the same issue, if not actually on the same page.

I happen to have kept two consecutive copies of the *Mona's Herald*, for December 15 and 22, 1970. In the first one, there is a single "Reader's letter" entitled, "Honest Manx Safeguards":

"In your island there is a sense of security for all, with children and girls able to go about their lawful business unmolested, and old folk able to go out without the fear of attack by hooligans. I pray that you will be able to keep it that way. Here in England wives of policemen and security men of all grades cannot sleep for anxiety; old people are beaten up, and each day we hear of young bullies taking a brutal joy in vicious attacks, and even murder.

"What can the future hold? The so-called 'Do-Gooders' are really 'Soul-Destroyers'. Christianity makes life fine and clean and strong, but those who degrade it put in its place a sloppy sentimentality.

"Tell those who would do away with honest safeguards in your island to go back and live under the laws they want, and prepare for personal robbery and attack!

signed *Justice*

Macclesfield, Cheshire."

In the same issue we find: "Break-in alleged" — "Youth who stole £200 remanded" — "Rape charge at Douglas" — "Provoking behaviour alleged" — "Smash and Grab sentences on two men" and "Pulrose Post Office break-in" (by four men and one 13 year old boy).

The next week, prominence is given to an article headlined "Council Urges Birch Thugs; More Support for Isle of Man's Attitude". The council in question was Rochdale's. There is one paragraph in bold print: "Councillor John Hancock told the meeting there was no such violence in the Isle of Man, where the birch could still be ordered for some offences".

In the same issue we read: "Pistol Youth Gaoled" — "Fined for Forgery" — "Thefts from meters, gaol sentence and fine" — "Big Robbery at Onchan Factory" — "Rape Charge Hearing Opens Today" (man of 30, girl of 13).

The Manx people, among whom I have made my life, and gained countless friends, are not to be blamed for their ignorance of the facts. They are a kind tolerant people who will, no doubt, be horrified by some disclosures of this book. They have been misinformed for years on end, by their politicians and, even more, by their newspapers. The families in which birchings occur are seldom articulate, and too frightened to make a fuss. They let their children take their punishment, and only wish to retreat into anonymity, more so when they have other boys growing up. They fear that any "cheek" on their part would be taken out on their younger children as they in turn reach the delinquent age.

When matters came to a head in sustained campaigns against birching, from 1969 onwards, all the island editors sided with the "birchers" in their editorials, but especially in their selection of readers' letters. Nothing seems to have been rejected: anonymous letters (which greatly outnumbered signed ones), the same repetitive rubbish about how peaceful the island is compared to Liverpool, Glasgow, etc. . . . It never once occurred to the editors to point out that the Isle of Man is also remarkably free from malaria and hookworm, compared to places like Calcutta and Aden.

Occasionally, the abolitionists' answers were printed but I don't think anyone read carefully our contributions, and the resulting avalanche of smears and insults was most discouraging. In the end, the only possible attitude left to us was a dignified silence. Among favourite epithets used to describe us and our fellow-thinkers are: the "kid-glove set", "do-gooders" often qualified as "woolly-minded", "speakers of 'nauseating twaddle'", "tender-hearted sentimentalists" "impertinent come-overs", "neurotic abolitionists", etc. . . . We have frequently been reproached for interfering in Manx affairs, and told to go back to where we originally belonged. The Race Relations Act does not apply to the Isle of Man.

Here is a random selection from the hundreds of letters which the editors thought fit to publish. They are quite typical, not by any means the most venomous, but chosen because of their briefness:

Permissive Society

"Keep your law intact, don't let Wilson's permissive society permeate your lovely isle. Here on the mainland, violence pays handsome dividends. Gun law prevails, knives are the order of the day, old people are attacked and maimed, women are assaulted and raped, children are murdered willey-nilley (*sic*). There is no deterrent here today. We are back in the age of savagery. My wife, my son and I spent five very happy years in the Isle of Man, always secure in the knowledge that nothing could happen to us, and nothing did. We are grateful to this day, and remember you with deep affection. So, to your Edward Callisters, your idle rich, and to your female moralists let your message go out loud and clear, 'We do not want any part of the mainland's permissive society'. R.K. Donaldson, Deeside, Flint.

(WT November 28, 1969)

Stunned

"I am stunned at hearing that some of the residents of the Isle of Man want the birch abolished. Here, in England, one keeps hearing the same old phrase 'If we only had the birch like the Isle of Man.'"

"I am speaking for a couple who both need hearing aids — me, a victim of scarlet fever, my husband, one who fought at Dunkirk. We have been burgled twice, enough to shatter anyone's nerves."

"I wonder if the folk who want the birch abolishing have ever had the experience of having their carpets ripped to pieces; their suite also in shreds — another home ruined — and the burglars using the hall as a toilet?"

"How can these offenders care when all they get in some cases is suspended sentences, while the victims — a sad state of nerves?" (Mrs.) Doris C. Gracey.

(Ex. December 18, 1969)

Foreign Opinion

"How dare Mrs. Angela Kneale, a foreigner by birth, talk in such a disparaging manner about the Isle of Man on BBC-TV's *24 Hours* programme about birching on Monday evening?"

"Her implication about Douglas promenade being an unsafe place at midnight during the summer months will undoubtedly have an adverse effect on the tourist industry, which at the moment appears to need all the good publicity it can get. In five minutes, Mrs. Kneale's irresponsible utterances probably wiped out all the highly expensive advertising the Tourist Board has just presented in an effort to woo Southern Englanders to the 'carefree' Isle of Man." Manx Gal, Douglas.

(Courier March 17, 1972)

Incidentally, my short appearance on this second *24 Hours* programme on birching in the Isle of Man resulted in a lot of mail, from various parts of the world. Some of the letters were friendly and encouraging; some were anonymous and abusive. The most interesting one came from England:

March 14, 1972

"Dear Mrs. Kneale,

"I do hope you continue your fight against birching. I thought the magistrate interviewed by Mr. Alsopp talked a lot of ridiculous nonsense. My son, at seventeen, was birched in Jersey for petty larceny, and dumped by the police at Hurn Airport, penniless and bleeding, and left to walk home to Herne Bay which must be a hundred miles. He was bleeding with his underclothes stuck to his wounds, and slept in a field and ate a turnip to keep his hunger down.

"Nothing was done to let me know or to help him; the money I sent to the police court never reached him, neither was it returned to me. If all this had happened to a dog, there would have been a national outcry. He reached home two days later, having hitch-hiked. I hope it never happens to another young stupid lad.

"It's a barbaric custom and I admire your efforts to say something about it, but thought you did not get a fair hearing on *24 Hours* on 13th March. I think the Jersey state must be worse than the Manx, as they went to all the trouble of sending two men to fetch my son, fly all of them back to Jersey, flog him

and dump him on the nearest part of the mainland. This was about 1964. I hope all has changed by now. Please keep at it doing your good work."

(See Appendix Five)

CHAPTER VII

Re-offenders

The exact rate of re-offending can only be established with the help of police records, but I came across sufficient evidence to conclude that it must be very high indeed. Naturally, one is somewhat hampered by not knowing the names of the juveniles, but we have played detective, and pieced together a huge jig-saw puzzle. Here is one corner of the puzzle which my friend Millicent Faragher matched up (we of course stand open to correction):

In 1945 five "boy gangsters" appeared before a court on charges of stealing bottles of milk, school truancy, and breaking and entering a cottage. Their ages ranged from nine to 13, and two of them (age unspecified) were each given four strokes of the birch. (*MH December 18, 1945*). We think one of these was X from Douglas, who would then be nine or ten years old. He reappears in 1948 (*MH January 2, 1948*): "Birch fails to cure bad boy". Now aged 13, he admitted stealing a tie, two bottles of haircream, and two sets of darts. He "had once received four strokes of the birch". He was sent to approved school. In 1956, X (if it is still him) now aged 21 and described as "an incorrigible rogue" is charged with being drunk and disorderly, and assaulting a policeman. He was sent to prison for three months, fined four pounds and it was stated that he "had previous convictions since 1944, including birching". (*Ex. August 3, 1956*).

In 1949, Y, 21, was sentenced to three months prison with hard labour for housebreaking and theft of a wallet containing £52. He was a farm labourer, who had lost the sight of one eye at the age of 11 in an accident. He had been convicted of a number of offences as a youth, including theft from a gas meter and wilful damage (to the gas meter, no doubt), and "on one occasion he had been birched". (*MH October 25, 1949*)

Wages in the Isle of Man are scandalously low, and I can well imagine what a one-eyed farm labourer with "a criminal record" would be likely to earn in 1949!

This may be no excuse for stealing, but there are more subtle forms of theft than an open larceny, and all mean employers are in my opinion thinly disguised thieves. Low grade Government employees are paid a bare subsistence wage on the island. In 1959 a father of ten children, and a government employee, was fined for receiving a stolen television set: his earnings were £8 per week. Even today in the early seventies, men are offered between £9 and £12 a week for working in hotels, living out, with no fares allowance, and the cost of living is higher on the island than on the mainland.

In 1952, only three weeks before the first birching of the period under review, a newspaper reported: "Z, 49 years old, convicted of breaking and entering and

theft of jewels and cash. Sergeant Lowey read out a list of convictions against Z, *beginning* with a conviction for housebreaking in Castletown in 1917 when he was sentenced to six strokes of the birch". He would then be about 14, and apparently a first offender. (*Ex. February 1, 1952*)

Even boys who have been birched on two or more occasions still seem to re-offend. A good friend of ours has been birched no less than five times in his childhood, between his eighth and fourteenth birthdays. He was eventually sent to an approved school, and has become a good and useful citizen, but not, he assures us, because of his repeated birchings, five judicial ones and countless extra ones in the "remand home" at the Douglas Police Station. Boys in detention were made to scrub floors and staircases of the police station, and if the caretaker, who was in charge of the juveniles, was not pleased with their work, or their conduct, he used to lash them unmercifully with a birch which he kept well soaked in a bathtub of water. This friend once described his early background to us, not with any bitterness, but in a matter-of-fact way: he was one of a very large family, so destitute that they had no cups — they drank tea out of old jam jars. Newspapers served as tablecloths. The children never had a toy or a book between them. Father was away at war, and mother just could not cope with her brood and her grinding poverty. I believe this case is not unique, and that police archives, once opened, would reveal many such stories.

Millicent Faragher and I, in the course of our research, have come across several "doubles", some of which have already been mentioned, but which will bear repeating.

1954; ten year old, two strokes of the birch for petty thieving (mineral waters and potato crisps). He had *already been birched* at the age of eight. He re-offended within a month of his second birching, and was eventually sent to approved school, having some 40 convictions.

(*Ex. October 10, 1952, MH August 3, 1954*)

1955; 12 year old, three strokes of the birch for stealing a bicycle. It is stated that "he has previously been birched" in one paper, and that he "was birched less than six months ago" in another.

(*MH March 22, 1955, WT March 18, 1955*)

1956; 14 year old who didn't go to school, was sent to approved school for persistent truancy. "He was stated to have six previous convictions and *had been ordered the birch on two occasions*".

(*WT April 27, 1956*)

1956; 14 year old, three strokes of the birch for stealing rifles from a warehouse. Chairman of the bench: Peter Hislop. He had been *birched only a few days before* (there are only nine days between the two newspaper reports), for stealing 33/-d. from an electric meter. (He may account for the "extra" boy who is missing from the Chief Constable's Report for that year — see Chapter 1). He was in court

before Mr. Hislop again three months later, and was sent to an approved school. In 1958 he appeared before Mr. Quayle on charges of hooliganism.

(WT January 27, 1956, Ex. February 3, 1956,
WT April 25, 1956, WT May 23, 1958)

1956; 14 year old, Peter Mitchell, four strokes of the birch for stealing electric bulbs from lamp standards. Chairman of the bench: Peter Hislop. He had been *birched at the age of 12* for petty larcenies, (along with another boy who was given *his second birching* in 1955). Peter Mitchell spent the rest of his life in penal and medical institutions, dying in prison at the age of 26, in 1968. (Already described in Chapter 3).

(MH October 2, 1954, March 6, 1956)

1957; 14 year old, four strokes of the birch for stealing fireworks. Chairman of the bench: Peter Hislop. Stated to be *his second birching*. This may account for the "extra" 14 year old in the CC's Report for 1957, and was probably birched twice in the same calendar year. Going by his age, he could be the boy who was birched for stealing a bottle of milk, or the one who had stolen rifles and sweets, or even the indecent assault case.

(MH November 12, 1957)

1960; A, from Douglas, sent to prison for three months, for taking a van, had been *twice birched*, and sent to approved school in 1954. Fined £10. Chairman: J.B. Mylchreest.

(MH March 25, 1960)

1963; 14 year old, four strokes of the birch for petty larcenies. Chairman of the bench: J.B. Mylchreest. The boy is reported to have "burst into tears when told by the chairman he was to receive four strokes of the birch". Not surprising as "he had *previously been caned*."

(Ex. August 22, 1963)

1963; 12 year old, six strokes of the cane for petty larcenies, same bench as the case above. same chairman. He had been given *four strokes two months earlier*. This boy re-offended repeatedly after these two canings. With these last two "doubles" there was a "first", an 11 year old, who received four strokes of the cane. Their "crime" had been an escapade, running away from home, taking some money from a collecting box for their bus fares, stealing a bicycle each, a lamp, a flask etc. (all recovered) and camping on Jurby beach.

(Ex. August 22, 1963)

1961; a 17 year old Douglas youth attempted to steal petrol from a car. He had previous convictions and had *twice been birched*.

(MH April 4, 1961)

These are some of the double birchings we found, but perhaps with more thorough research, and certainly with the help of records, I feel sure one would find considerably more. But there are many other re-offenders after one birching.

1956; An 11 year old is ordered one month's detention for shooting an air pistol at buses. He was already on probation for an offence of taking a motorcycle, for which he was birched on June 28, 1956.

(Ex. August 3, 1956)

1961; A 13 year old who was ordered four strokes of the birch in March, 1958 for stealing coppers from buses quickly re-offended and was sent to approved school in July of the same year for stealing some cash. In September, 1961, while on licence from an approved school, he stole money again, but the case was dismissed. Chairman of the bench, Mr. W.E. Quayle: "We are being awfully lenient".

(DT September 27, 1961)

("Mr. Quayle, known on the island as "Bill the Bircher" said he could not recall anybody coming back for a second dose" — *Daily Telegraph*, November 21, 1969.)

1962; B, drunk and disorderly on licensed premises. Long list of previous convictions including assault, breach of the peace, *had been birched*, sent to approved school and Borstal. This was in June, 1962. Drunk and disorderly again in November, 1962. His record goes back to 1952.

(MH June 19, 1962, November 27, 1962)

1963; A 15 year old admitted stealing money from the bedroom of a lodger at his home. He had received three strokes of the cane in November, 1961 for "receiving" three shillings from a stolen school Poppy Fund.

(WT June 21, 1963)

1961; A 16 year old Ramsey youth, who had received six strokes of the birch on August 29 after a "fracas" at a dance in Peel, and had spent the month of September in detention, was up before a court again in November of the same year and fined for "fighting in a lane" with a "broken bottle and chain". His is one of the two cases missing in the CC's Report for that year.

(RC September 1, 1961, December 19, 1961)

1965; A 14 year old boy, up on 20 charges of theft. Was given three strokes of the cane in June 1962 for stealing milk bottles from doorsteps, and was back in court in November 1962, and again in June 1964.

(MH January 5, 1965)

1968; C, up in court for the theft of a wallet from a car. Was sent to Borstal. Had previously been birched. Chairman: Mr. W.E. Quayle.

(WT January 19, 1968)

1962; A 12 year old who played truant while on probation was ordered three strokes of the cane. Chairman: Mr. W.E. Quayle: "I trust this will teach you a lesson. If you keep coming back into court, the punishment will get worse and worse and worse". Three days later, the boy played truant again.

(WT July 13, 1962)

(Mr. W.E. Quayle on TV: "Corporal punishment is only imposed for crimes of violence".

(WT February 10, 1961)

1964; D, who was birched in May 1964 for assault causing actual bodily harm, was up before the High Bailiff's Court the next November, on a charge of assault. He has been "convicted five times in 18 months for assault".

(RC November 20, 1964)

("Those wild scenes in which teenage rioters were involved at Clacton and the Belgian resorts could not happen on the Isle of Man. The power to inflict sentences of corporal punishment is the big deterrent". Mr. W.E. Quayle on television.)

(MH April 7, 1964)

1967; A 16 year old youth birched in November 1967 for malicious wounding was before a court again before the year was out, on drinking charges.

(CC's Report for 1957)

There are many more, of course; perhaps one day the authorities will divulge the actual figures. Meanwhile, I think the above examples are sufficient to invalidate the theory that corporal punishment is a deterrent.

CHAPTER VIII

The Right to Appeal

The question of the right to appeal was raised by a reader's letter to the *Isle of Man Examiner* as early in our campaign as November 27, 1969. It will be recalled that the Preston boy (see Introduction) had been birched on November 7. The idea of petitioning the Governor was born on November 17. The next day a "campaign" was under way, and my two friends and I were thrown into battle, quite unprepared.

The letter, sent in by a local man, Mr. T. Dickinson, queried whether juveniles had the same statutory right to appeal which adult criminals enjoy. The Editor replied that there was a right of appeal in juvenile courts as in any other courts.

This was a very interesting point, because birchings and canings in the Isle of Man had been carried out immediately after the court rose, and this was considered normal practice, and the defendants had not been told of their right to appeal. Several newspaper reports specifically described the swiftness of the carrying out of the sentence: take the very first case in the period under review:

MH February 26, 1952: "After the sentence, the boy was *immediately* taken to the Police Station, where the three strokes of the birch were administered" — He had stolen one pound note while helping a milkman on his round. (This boy re-offended in 1956 (*MH June 19, 1956*), when he appeared before Mr. W.E. Quayle, who has often stated that he has "never heard" of a birched boy offending again.)

MH June 30, 1953: "A 13 year old who had broken into an electric meter was ordered four strokes. The sentence was carried out *as soon as the court rose*". (He re-offended in 1955, only this time he broke into a gas-meter. *MH July 5, 1955*)

MH March 22, 1955: "Two boys aged 12 and 14 were given three strokes of the birch each on Thursday *following* their appearance before the Douglas Juvenile Magistrates." They had broken into two houses, and stolen a bicycle. (The article also states "... the youngest boy had previously been birched ...").

WT March 16, 1956: Three boys before the court, on charges of stealing bunches of keys, tinned foods valued at 19s. 1d, and breaking and entering. Their ages were 13, 14 and 15. All three had previous convictions. (The 13 year old had already been birched once, and was put on probation, along with the 15 year old.) But the 14 year old was given six strokes of the birch, and, the paper states, "he was *birched on the eve of his fifteenth birthday*". It must be remembered that prior to 1960, magistrates had no power to order the corporal punishment of boys who had reached the age of 15. Had this boy been informed of his right to appeal, he would surely not have taken his punishment.

Ex July 20, MH July 25, 1961: A similar case occurred in 1961, when two Dublin boys, seasonal workers, were convicted of shoplifting. They were aged 16 and 14,

and each received four strokes of the birch. The older boy was ordered one month's detention for stealing a watch and fancy goods; the birching was for stealing a magazine: "One of the youths given four strokes of the birch each at Douglas on Tuesday for shoplifting was *only two days short of his seventeenth birthday*, when he would have been too old, legally, to be corporally punished for the type of offence for which he was sentenced". This is another clear case where the delay allowed for lodging an appeal, 14 days at the time, would have spared him a birching. (Not that it did him any good: his month's detention was only just up when he appeared before a court again on charges of having stolen money from hotel bedrooms, six pounds in all, most of which was recovered. *DT August 21, 1961*).

WT June 1, 1956: Three young boys were up in court for a series of larcenies. The youngest, aged 13, "the only one to be birched", was told from the bench: "You have been guilty of playing truant, and you are insolent". He was to repay his fine of £30 in four months. He had stolen eight bowling woods, four jacks, and had been before a court previously. "There is not one item which we can find to your credit", the boys were told by Mr. Peter Hislop, Chairman of the Magistrates, who *indicated that they would be present when the younger defendant was birched.*" Mr. W.E. Quayle and Mrs. A. Bridson were the two other magistrates on the bench.

MH September 4, 1956: On September 3, 1956, three boys were birched for petty larcenies committed on July 3, two months earlier. "The birching was carried out *immediately* after the court rose".

Ex and WT August 3, 1956: "Birch for holidaymakers — Two Liverpool boys for shoplifting: The birch was administered *one hour before* the party of boys, who had been camping, caught the steamer back to Liverpool."

MH May 5, 1959: "A 14 year old boy who admitted offences against three young girls was given three strokes of the birch at Douglas on Saturday. . . Mr. W.E. Quayle, Chairman of the Bench: "On the first charge the defendant would be placed on probation for three years, and on the following charges he would be sentenced to three strokes of the birch *to be given immediately.*"

RC July 15, 1960: "A Douglas Juvenile court *adjourned for ten minutes* on Monday, while corporal punishment was administered to two London boys who had admitted charges of breaking and entering and theft". They were 12 and 14 years old and were ordered six strokes each, and a week's detention. They were told by Mr. W.E. Quayle, Chairman of the Bench: "*The sentence will be immediate* and the Bench will retire while sentence is carried out."

MH May 26, 1959: "An 11 year old boy who ran away from home, crossing to the Isle of Man, and then stole £55 from a Douglas boarding house, was sentenced to six strokes of the birch when he appeared before the Douglas Juvenile Magistrates. It was stated that the boy had been detained by the Police at Liverpool when he stepped off the steamer from Douglas. The sentence was carried out *immediately* and the boy left the island by boat the next day, accompanied by his father."

Ex June 2, 1960: A 14 year old London boy, convicted of "demanding money

with menaces": "... the birching sentence — the first passed since the new Birching Bill received the Royal Assent — was *carried out shortly after the Court rose*". Chairman of the Bench: Mr. W.E. Quayle.

Ex November 18, MH November 22, 1960: Two 13 year old boys who had stolen two bicycles were ordered three strokes of the cane. Chairman of the Bench: Mr. W.E. Quayle "... the sentence was carried out *following the Court sitting* after the boys had been medically examined".

Ex August 16, 1962: Mr. W.E. Quayle to two Liverpool boys ordered corporal punishment for petty larceny: "You are going to be punished in a way you can't be punished outside the Isle of Man. *The sentences are to be carried out immediately*" he added, as the boys burst into tears. Their ages were 13 and 14.

There are other examples, but I believe the above selection suffices. The timing of the letters and articles about the right to appeal is very important: on November 21, 1969, a boy of 16 was sentenced to be birched, and this was carried out immediately. Neither the boy, nor his mother who was in court, were told of the right to appeal; on November 27, 1969, Mr. T. Dickinson raised the question in local newspapers; on November 30, 1969, the *Sunday Times* printed an article headed "Jersey Ends Birching" (because of the eight day appeal law): "To use it only after the appeal had been decided would be wrong in our view" said Mr. Vernon Tomes, Jersey's Solicitor General. "Parents of the last two youths birched on Jersey could have summoned the magistrates for assault, because the sentences were carried out without them being told of the right to appeal", said Mr. Tomes.

On January 7, 1970, in the *London Times* we read: "Mr. William Quayle, a Douglas lay magistrate and an M.H.K. who has sentenced many youths to birching, said defendants were advised of appeal rights but he could remember only one case where a young man appealed". (I have not traced the young man in question, or his alleged appeal.)

On January 20, 1970, Major G. Crellin, M.H.K., raised the question of appeal in Fynwald. Although juvenile offenders are entitled to appeal, the rules were faulty, he pointed out, and it was no one's responsibility to tell them. The Attorney General felt it should be a matter of statute rather than rule, and he was sure the Lt. Governor Sir Peter Stallard would "give regard" to the matter (*Guardian* January 21, 1970).

It is only since 1970 that the right to appeal has been made known, but several more birchings have occurred, either because the defendant genuinely preferred to get it over and done with, or on the advice of counsels.

It is my contention that all birchings, even those when the defendants or their guardians waived the right of appeal, may have been illegal. Although the 1960 Summary Jurisdiction Act is not clearly worded, saying that "the sentence shall be carried out *as soon as practicable*", there is another Act which is conveniently ignored, the Criminal Code Amendment Act, 1921, where in Section 15 we find:

"(2) In the case of a conviction involving sentence of death or corporal punishment:

- (a) the sentence shall *not in any case* be executed until after the expiration of the time within such notice of appeal or of an application for leave to appeal may be given under this section, and
- (b) if notice is so given, the appeal or application shall be heard and determined with as much expedition as practicable, and the sentence shall not be executed until after the determination of the appeal, or, in case where an application for leave to appeal is finally refused, of the application.”
- (author's italics)

It is of course up to the lawyers to sort out their jargon, but the words “shall not in any case” ring loud and clear in my ears. You cannot give back a life once it has been taken, and you cannot “unbirch” a boy who may have panicked and who has been told it would be better for him to get it over and done with.

The first appeal against a sentence of corporal punishment that we have found record of did not happen until 1972. It was lodged by a 15 year old first offender, and the appeal was dismissed.

The case arose out of a Castletown Juvenile Court, where the bench imposed sentences of birching on four schoolboys, all aged 15. They had been found guilty of assaulting a school prefect, causing him actual bodily harm, in the street one evening, to settle a grudge.

The prefect was eighteen. His injuries were never disclosed to the public, and rumours abounded as to their nature and extent, among them a gouged eye, broken limbs, and castration. A *Times* reporter who came to the Island by steamer soon after the case, was given the most horrific details during the four hour crossing of the Irish Sea. I do not wish to minimise the prefect's suffering, but I do know that he walked to the police station after the assault, and that he did not miss a day's schooling.

The boys were not legally represented, but their four mothers were in court, and they all protested and indicated that they would appeal. However, three of them gave in, the first one the next day, the second one the following day, and the third one on the day after. Each of these three mothers was asked to sign a document waiving the right to appeal, and the birchings followed immediately. The third boy was not given his full sentence of five strokes, but, on medical advice, only three. This boy's older brother had already been birched two years previously, and had re-offended since, and their mother was distraught.

The parents of the fourth boy, however, stuck to their guns, and appealed on the basis that their son was a first offender, and that his part in the fight had been minimal. Normally, a Manx Court of Appeal consists of the two Deemsters and an English QC, but this appeal was heard only by the two Deemsters, because a new Judge of Appeal had not yet been nominated to replace the previous one who had just retired.

The Deemsters dismissed the appeal, and the boy who had been waiting for seven weeks, eventually received his punishment after a protracted hearing, and after a delayed medical examination. The father of the boy insisted on his right to be present. The birch broke after the first stroke, bits of twigs flying about the room, and it took several policemen to restrain the father, a man in his sixties with a long history

of nervous stress. All these facts were given day to day publicity in the international press.

The second appeal, which was the first one to succeed, occurred in 1973. Again, the appellant was a first offender.

He was eighteen years old, and had been guilty of armed robbery and armed assault. He was a shy, nervous and withdrawn village lad, who had received psychiatric treatment at the age of twelve, and was at the time depressed, because his mother, on whom he depends heavily, was away for several weeks in a mainland hospital for a major hip operation. He had voluntarily left his employment, and was therefore not entitled to unemployment benefits, and his only source of income was rabbit hunting.

He had been out with a shotgun on the day he committed the offences, and he had been drinking excessively all afternoon, when he tried to obtain money from three houses, all in his neighbourhood. According to a local press report he pushed his way into the first house after banging on the door, when a man grabbed the gun and pushed him out of the house. At the second house, he pointed the gun at a man demanding money, and after a scuffle he ran off. At the third house, where a woman was living on her own, the door was slammed in his face; he broke four panes in a window of the sitting room, and the understandably frightened woman handed him a purse containing five pounds. This sums up his life of crime.

The Second Deemster, R.K. Eason, ordered a sentence of four strokes of the birch, and three years imprisonment, in spite of undisputed evidence that the defendant was mentally ill. Christopher Mayhew M.P., Chairman of the National Association for Mental Health, protested to the Home Secretary, and was interviewed on the BBC radio's *World at One* programme. He was particularly shocked that a medical officer, namely the Douglas police surgeon, should pronounce the defendant fit to be birched although accepting that he was suffering from acute anxiety combined with an underlying depressive illness.

After some legal arguments, an appeal was lodged, and was heard a few weeks later by the first Deemster, G.E. Moore, and Judge Cecil Clothier, Q.C. The appeal took a whole day and was held in Castle Rushen. The original evidence of psychiatric illness was elaborated upon verbally, and the outcome was a quashing of the birching sentence as "inappropriate", but a lengthening of the prison sentence by three months, this on top of the three months the defendant had already spent in prison on remand.

To me, the most significant feature of this case lay in a fact reported only in the *Daily Telegraph* (February 13 1973), namely that while discussing the nature of the eventual appeal, prosecuting counsel stated: "In any case, we cannot put the birching into effect until 28 days have lapsed".

Could it be that, as happened in Jersey, the enforcement of this crucial law will henceforth be recognised? It would indeed alter the pattern of future birchings. No more quick sentences, and off with you on the next boat to keep our patch clean. If all potential birchees were to lodge an appeal on the last possible day, that is four weeks after sentence has been passed, given the time required for the appeal to be allowed or not, then organised, several weeks or months would be bound to pass. What would happen to non-residents? To keep them in remand would be costly and

inconvenient. I find this development more important than the fact that a mentally sick young man made history by winning an appeal against the birch. After all, he lost his appeal against the prison sentence which was not only confirmed, to the despair of local psychiatrists, but lengthened.

It remains to be seen what the effect of these first appeals will have on the Manx magistrature.

CHAPTER IX

Attitudes of Magistrates and Others

Most magistrates in the Isle of Man fulfil their thankless and time-consuming duties with quiet dignity, competence, compassion, and as much wisdom as they can muster. But reading through back copies of newspapers is an eye-opener as to what goes on in some courts, as for instance the boys (13 and 15) who in 1948 were sent to approved school for stealing coal from lorries at Christmas time (*MH January 2, 1948*) or the ten year old who, a little later, was also sent to approved school for taking 18s. from a collecting box. (*MF February 3, 1948*).

But parents are also made to suffer. Even today, if a child is in detention for a short period, its family allowance is immediately stopped, no matter how poor the family. Parents are ordered to contribute towards their children's keep when they are sent to approved schools in England, as the cost is borne by the Manx exchequer.

This little cutting is only too typical: "Two Douglas parents appeared in Douglas Juvenile Court charged with not maintaining a weekly payment of 15s. for their son in approved school. Their arrears totalled just over £120. Explained the mother: "After I've paid for everything I have nothing left". Her husband's weekly wage was £7. 2s. and they had five other children." (*WT August 25, 1958*).

Nor is it only boys who break the law — we have our quota of girl delinquents too. They seem to be mostly Irish, or from Liverpool, and usually come to the island as seasonal workers. Their wages are pathetically low — there is no union protection for them. They work incredibly long hours, and are sometimes lodged in garrets, cellars, out-houses, or in grossly overcrowded bedrooms. There is no agency responsible for their welfare or fair treatment. Here are some examples.

Dublin girl 1959

A 14 year old Irish girl was deported from the Isle of Man, and banned from returning for three years. She had stolen small sums of money, and said "I am sorry I did it, I have spent the money, *I was hungry*". There were no previous convictions against her. She had been sleeping out in shelters, and in the staff quarters of a holiday camp where she had some friends.

This girl was only accused of petty theft, but the newspaper reported quite candidly how the Chief Inspector stated in court "that she was headstrong, untruthful, impertinent, and that he had grave doubts regarding her moral character". The report goes on: "It was also suggested by the Chief Inspector that numbers of young Irish girls were being employed in the island during the holiday season without paying the weekly national insurance contribution. Mr. W.E. Quayle, Chairman of the Bench, remarked he could give an assurance that that was a matter receiving the close attention of the Board of Social Services".

A child of 14 would not be liable to pay National Insurance, and in any case this is the employer's responsibility. As to the innuendo that the girl was sleeping around, probably made without foundation or evidence, it was not only irrelevant, but downright prejudicial to her case.

(MH August 4, 1959)

Dublin girl, 1961

"My Daddy told me if I got into trouble he would have nothing more to do with me" a frail 14 year old Dublin girl told the magistrates at Douglas. She had been taken from the 8.30 a.m. ship, with a canvas bag containing a gym slip, a dress, and a blouse worth a total of £4. 9s. 10d. taken from a house in Douglas where she had been staying.

She had come to the island to work. The clothes were missed soon after she left the house to catch the boat for Dublin, and she had been intercepted on the steamer, with the help of a policeman.

The Bench decided to remand her in detention and then put her on the morning ship to Dublin.

The Douglas police had been in touch with the girl's father, a dock worker, who said he had no further interest in his daughter. Her mother, he said, was dead.

(WT July 12, 1961)

Dublin girl, 1971

From a leading article in the *Examiner* August 13, 1971, by Valerie Roach:

"Involved in Mankind":

"Last week a 15 year old Irish girl was convicted of several substantial thefts, but discharged by the Douglas Juvenile Court on condition that she return to Dublin and stay away from the Island for at least three years. She was put on the Dublin boat, but hid on board when it docked and came straight back to the Island again. Meanwhile, it had been discovered that she was responsible for stealing another large sum of money in Douglas, and she has now been sentenced to spend the next five weeks in the upper rooms of the Douglas Police Station.

"This child told the police that she had saved the money to come to the Isle of Man in the first place by picking up men in the Dublin Streets. Enquiries made by the Gardai in Dublin reveal that there is at present no-one at the home of her grandmother, who had brought her up and to whom she was supposed to be returning.

"There is a great temptation in a small enclosed community like the Isle of Man to cope with 'undesirables' by packing them off whence they came and washing our hands of them. They are not our problem. The rightness of this attitude is always questionable, but it must be especially so when we are dealing with a child who is so clearly in moral danger and apparently has no-one to turn to. This girl came from the streets of Dublin. The Douglas Juvenile Bench, who are supposed to consider the welfare of young offenders, sent her straight back to them without ascertaining whether there was anything which could be done for her.

"'No Man is an Island entire of Itself; Every Man is part of the Main. Any Man's Death diminishes Me, because I am involved in Mankind'. To be involved in man-

kind must be one of our highest aspirations, placed before any considerations of our comfort or convenience. Whether it suits us or not, we have within our shores a child who, by the age of 15, has been a thief and a prostitute. She is in desperate need of help; because she came back to the Isle of Man seeking help after we had sent her away we now have, for a few weeks, another chance to try and do something positive for her.

"Man may be an Island in one sense, but involvement with the rest of mankind is an absolute moral necessity."

Punitive Attitudes

That article represents a rare, almost unique, public expression of humanity and tolerance on the island. The following random selection of quotes from magistrates and others indicate the prevalent punitive attitudes of the majority:

J.H. Nicholls asked in Tynwald whether the prison kitchen could be modernised as it reminded him of "one of those illustrations you see in Dicken's works — It is antiquated to a degree!"

Mr. A.S. Kelly, Chairman of the Government Property Trustees: "The prison is not a nursing home, you know. I see no sense in putting too much velvet round them up there".

(DT May 2, 1961)

A boy aged eight, charged with the larceny of 2s.2½d. from the pocket of a boy at Douglas Baths was told from the Douglas Bench: "You are a horrible little sneak-thief".

(WT September 7, 1956)

T.L. Vondy, J.P., to two Birmingham boys birched for larcenies: "We will not tolerate people coming to the Isle of Man and behaving like you do".

(RC April 17, 1964)

W.E. Quayle, J.P., to two brothers aged 13 and 15, certified as mentally retarded, no father, mother's address unknown, who while on holiday in the Isle of Man rifled offertory boxes in three churches: "We have rarely heard a worse case. I would delight in birching both of you".

(WT August 3, 1956)

W.E. Quayle, J.P., to a 16 year old who pleaded guilty to offences against little girls. "The Bench has heard a shocking story this morning. If we had the power, we would have you birched until you screamed". Describing the boy as a "brute", Mr. Quayle said that rarely had the Bench listened to a worse case and certainly it was the worst he had come across in his experience as a magistrate.

(MH February 26, 1957)

W.E. Quayle, J.P., to an 11 year old who had a slight affliction, found guilty of thefts: "If you come back again, God help you"

(MH February 24, 1959)

A twelve year old boy was ordered three strokes of the birch and sent to detention for two weeks when he was convicted before the Castletown magistrates for stealing strawberries and gooseberries from a garden at Castletown Promenade.

(MH July 10, 1956)

On November 30, two little boys aged nine and ten were found guilty of stealing some cash from a cafe in Ramsey, and breaking and entering a shop "with intent to steal". They were each ordered four strokes of the birch. The father of the older boy said that he had been thrashed at home, and had his pocket money stopped; the mother of the younger boy indicated that her son had also been punished at home.

The Chairman of the Bench, Harley T. Moore, sentencing them, in addition to corporal punishment, to one month's detention, commented: "This means you will be away from home for Christmas, and we hope it will be a salutary lesson." The other members of the panel were R.F. Mallard, and Mrs. A.C. Teare.

(MH December 3 and RC December 6, 1957)

Two boys were ordered by Castletown Juvenile Court on Tuesday to be given the birch . . . The magistrates had deferred their decision from Friday, when the hearing took place . . . The nine year old was given two strokes and the ten year old five strokes of the birch, for stealing parts of a bicycle . . .

(WT February 7, 1953)

A 13 year old boy was given the birch after being convicted of breaking into an electricity meter and stealing £1. 6s. The boy had been before the court on five previous occasions, and was released from an approved school after two and a half years last April.

The boy's headmaster said his only fear was corporal punishment, and he advised the Bench to order the birch. The Chairman, Mr. P. Hislop, also a headmaster, said on this occasion they had decided to take the advice and order the boy to be given four strokes of the birch. The sentence was carried out as soon as the court rose.

(MH June 30, 1953)

Questionable Birchings

In some cases, not only have magistrates exceeded their duty in what they say to defendants. In some they have clearly exceeded their legal powers as well. Not until the existence of the right of appeal was grudgingly admitted amid much embarrassment by the Manx legislators, in early 1970, were defendants informed of this right.

But there are other cases which are even more at odds with the prescribed laws in existence before 1960, a watershed year when fresh legislation extended the powers of lay magistrates. Before 1960, they could order corporal punishment only on boys aged under 15.

Yet in the first year that birching became fashionable again, in November 1952, an island newspaper (*MH November 11, 1952*) reports that two boys who had stolen a watch and some biscuits (one layer only — the tin itself was found in the school-ground), were sentenced to be birched. They were given four strokes of the birch each. The newspaper gives their ages as 14 and 15. The Chief Constable's report mentions no boy older than 14. Until the matter is investigated, a doubt must remain as to the legality of this particular birching. Chairman of the Bench: J.M. Cain.

In the summer of 1957 (*MH September 3, 1957*) two boys, again aged 14 and 15, were birched for "larcenies and petty crime" according to the Chief Constable's Report. The 14 year old received three strokes. The 15 year old, who had been "interviewed in front of his guardian", was ordered eight strokes of the birch and sent to approved school. Whoever this boy was, he had no counsel, and not even parents to look after him. Chairman of the Bench: J.B. Mylchreest.

The CC's Report for 1958 indicates that only one juvenile was given corporal punishment, a "13 year old, for simple and minor larceny". But the press recorded another case. According to the *Weekly Times* of January 2, and the *Ramsey Courier* of January 10, 1958, a 15 year old was given nine strokes of the birch, on January 2, for larcenies committed the previous November. One article specified the boy's age as 15 years three months. Chairman of the Bench: T.G. Bridson, now deceased, whose record as a "birching magistrate" makes distasteful reading. His widow was also a magistrate up to very recently.

The story of this boy, in brief, is that he ran away from home to the Isle of Man, and tried to find employment, but he met with the "five years residence" condition which was then strictly enforced. There was a high level of unemployment on the island, particularly after the tourist season was over. He could obtain no work, nor unemployment benefit. He decided to return to the mainland, and in order to raise money for the fare, he sold his coat, then a suit, to a second-hand dealer. He did not obtain sufficient money this way, and it was then he stole blankets and household linen from his landlady, valued by her at over £30, and sold them to a dealer, who gave him £2 for the lot. The dealer was subsequently fined £10 for receiving stolen goods. The boy then stole some articles belonging to another lodger at his digs, most of which were later recovered.

The boy eventually made his way back to the mainland, but was traced and returned to the island to face "one of the most severe birchings ever ordered in the island" (in modern times, anyway). The Chairman imposed the sentence of nine strokes "to impress on you forcibly that crime does not pay". The defendant said he had asked his parents not to come to Douglas to give evidence as "it would cause them too much expense". They lived in Scotland.

A 16 year old, together with two younger boys, aged 13 and 14, were given six strokes each for breaking out of the remand home (MH April 27, 1948). A Mr. Teare said: "Under the larceny Act, the elder boy could have 50 strokes of the birch, the other two 25. The only way to check this juvenile delinquency is to administer the birch".

These five cases of abuse of their powers by lay magistrates (and there may have been more), certainly need an explanation. But such mistakes reflect even more blame on the clerks of the court, who have a professional legal training.

Ramsey Juvenile Panel

Another case involved a boy of 14 who was ordered to be birched by Ramsey Juvenile Magistrates on January 6, 1966, for a first offence, at the age of 14.

He was the son of an hotelier, whose wife left him when their son was still a baby. The father being unable to cope with the child, he was placed in the care of Kent County Council, and was put in a children's home; as a result of his "unruly behaviour and persistent absconding", he was sent to an approved school. Note that he had not committed any criminal offence, his only crime was that he was looking for his parents.

The boy was given permission to go "home" for the Christmas holidays, but his father said his hotel was full. The boy spent Christmas with the family of another boy inmate from the approved school (Court Lees, where a scandal erupted the next

year — 1967 — owing to excessive corporal punishment).

He obviously did not settle with this strange family, because he ran away from their home, went by train to Liverpool, and boarded the boat to the Isle of Man "because he had been told by his father that he had once been there on a visit". This was on Tuesday, January 4. He caught an early evening bus to Ramsey. Just before midnight, he threw a brick through a shop window, and stole a telescope valued at £8. He spent the night huddled in a public lavatory (in early January!). The next day, January 5 or Old Christmas day as it is still called in the Isle of Man, he sold the telescope to a second-hand dealer in Douglas, one Alfred Cottier, who gave the boy 10s. for it, and was later fined £3 for his troubles.

The boy spent the rest of the day in Douglas, and slept in a taxi, after "gaining access" to a garage. On January 6, at 7.30 a.m., he was discovered by the taxi-owner. He was taken to court and caned the same day. On the Bench were J.F. Corkill, Mrs. Stephenson and J.C.K. Teare. Chairman Mr. Corkill said: "You have made a bad start, but we have a *great deal of sympathy* for you. But we can't let people come to the island and steal other people's property. We hope that you will see the error of your ways". (*RC January 6, 1966*) The members of the Bench extended their sympathy to the point of watching the sentence being carried out.

Ramsey Juvenile Panel seems to go for first offenders. In August 1960 (*WT, RC, September 2, 1960*) a 12 year old Liverpool boy was sentenced to three strokes of the cane for shoplifting a bracelet, valued at 10s. 6d., which he said he was going to give to his mother as a present. He was one of a school party. He had "no previous convictions", a "previous clean record". The Chairman was R.F. Mallard. In the same newspaper, Chairman R.F. Mallard is reported to have told another Liverpool boy of 12, charged with shoplifting a wooden cigarette box: "Owing to the fact that his master has spoken on his account, and that it is the first time he has got into trouble, the Bench will deal with the defendant extremely leniently". Mr. Mallard pointed out the boy could have been fined £5, or the Bench could have ordered him six strokes of the birch, "and don't think like some youngsters do", he warned, "that it makes you into some sort of hero. It doesn't. It is painful." Quite apart from the slip of the tongue, substituting the birch for the cane, where is the logic of this bench, whipping one first offender, but not the other?

Ramsey Juvenile Panel surpassed themselves in 1959 (*RC February 20*) when they ordered two young offenders to corporal as well as other punishments, and took a very tough attitude towards their English mothers. On the Bench were S.T. Chrystal, Mrs. G.J. Teare; the Chairman was A.S. Kelly, M.H.K., now deceased. The Chairman said: "We want it to be known that we will not tolerate this sort of conduct in the Isle of Man". He was addressing himself to two boys from the Stockport area, aged 12 and 14.

They had decided on an escapade, and as the eldest had camped in the Isle of Man the previous summer, near Ramsey, that is where they decided to go. The older boy possessed £1.10s. of his own, and sold an electric drill before setting off for £2.6s. The other child cashed his saving stamps, about £1 in all. They left their homes without telling their parents. This was to be a "Great Adventure". On Tuesday, February 10, they cycled to their local station, where they left the bicycles. They travelled by train to Liverpool, then by steamer to Douglas, and went by bus to Ramsey,

also be banned from returning to the Isle of Man for three years, and would have to enter into a cognisance for £10 to that effect, and would be escorted to leave the Isle of Man by the morning steamer the next day.

The mothers, who had already spent about £12 each to get to the island, explained that they had booked and paid for air passages for the boys to return with them that evening. The Clerk, Mr. E.C. Garside, pointed out that, if the Court ordered it, they would have to go next morning.

Inspector Gale explained it would be difficult to complete all the formalities arising out of the Bench's decisions in time for the boys and their mothers to leave by plane. The Chairman suggested there should be a consultation with the police and the probation officer, and that the mothers might cancel the air passages, and travel with their boys the next day.

There was, of course, no mention of the right to appeal. The next island newspaper to come out was the *Daily Times* February 23, 1959, in which Dorothy Waid, from Onchan, a stalwart anti-bircher who kept protesting at court abuses like a voice in the wilderness, wrote that she was "ashamed to be Manx". Already in 1952 she had taken magistrate E.E.J. Corkill to task for calling an offender "a young savage" and she lost few opportunities to make her protests.

CHAPTER X

The Battle for a Remand Home (1945-1973)

"We are shocked to find criminal offences have more than doubled in the past twelve months. The principal number of them come from Douglas. Douglas lacks one essential element necessary for order and morality. It lacks an efficient police force.

"Nine out of ten of the thieves in Douglas are juveniles. We still lack an Institution here, all powerful for the amelioration in the morals of the young. The narrow lanes and filthy nooks of Douglas where we find half-starved, half-clad children of both sexes whose parental neglect and wicked example has exposed to the training of Infamy here, and to the damnation of Hell hereafter . . .

"A young boy for a first larceny offence was sentenced to two weeks prison and a whipping."

(MH March 9, 1853)

We in the Isle of Man are still, in 1973, waiting for an "institution" and we are still birching boys for first larceny offences in the second half of the twentieth century. But we do now have an efficient police force.

The Isle of Man has no remand home. The attic-rooms of the Douglas Police Station serve both as remand and detention quarters. The station itself was not purpose-built, but was erected in 1841 as an Odd Fellows Hall.

The attic remand quarters consist of three bedrooms, one kitchen, and one recreation room. The small windows are barred. There is no qualified person in charge of the boys and girls — these duties are undertaken by the station caretaker and his wife.

In January 1972, advertisements appeared in the local press for a "Remand Home Superintendent . . . male and female . . . married couples interested in this type of work . . . The successful male applicant will be required to act as one of the cleaners of the Douglas Police Station in addition to his duties as male superintendent . . ." It would have been more honest to advertise for cleaner-caretakers, who will in addition be required to act as remand home superintendents.

Over the years, many calls for a properly designed, separate home have been made. Attention has repeatedly been drawn to the unsatisfactory premises, and the lack of trained supervision.

1945: "Deemster Cowley has stressed the need for a remand home in the Isle of Man, and the Attorney General said that legislation for the purpose would probably be introduced in six months."

(MH March 27, 1945)

1952: "If any doubt lingers as to the necessity for a reception centre, the Children's Department of the Home Office should be invited to make a report. The difficulty

is that, once accepted, such an invitation might lead to investigations that would extend over the whole problem of child treatment in this island. Such an investigation would be embarrassing. There would hardly be approval of the fact that in a wealthy island, conditions are tolerated that would not be tolerated in any other part of the U.K. Eyebrows would be raised when it was discovered that children waiting to go to approved schools are kept behind barred windows in a room over the Court House. There would be incredulity when it was learned that an 11 year old child had been kept in what amounted to solitary confinement because the island could not afford an adequate remand home."

(WT November 1, 1952)

1952: "Insertion by the House of Keys in the Children's Bill of a clause enabling the Education Authority to establish a temporary reception centre for neglected children was refused by the Legislative Council, on the grounds that it would be too costly." There had previously been a long discussion by the Education Authority because of the number of deprived and illegitimate children needing care before being placed in homes or fostered.

(Ex, December 5, 1952)

1953: "Education estimate criticised — Members urge retrenchment — Use cane more": Criticisms of the Isle of Man Education Authority's increased estimate, and suggestions for economies for the benefit of the ratepayers were made during a long debate at a meeting of the Authority . . . As a practical means of economy, Mr. S. Brew suggested cutting down the number of teachers, as a good teacher "could teach a class of fifty children provided he could use the cane". Its use would bring more discipline in the schools, he said, and "go a long way towards preventing juvenile delinquency."

(WT January 13, 1953)

1953: Juvenile Crime Problem — "Punish parents and bring back the birch: Shock treatment remand home plea".

That parents guilty of neglect leading to delinquent acts by their children should be rendered liable to punishment at law, is one of the recommendations of the Education Authority Welfare Committee report accepted by the Authority. The Committee has been inquiring into the operation of the Young People's Welfare Act on the island. Another recommendation is that the upper age limit for appearance in a juvenile court should be reduced from 18 to 17, and that the powers should be given to the Courts to order birching to offenders over the age of 15. The Committee also ask for the age of criminal responsibility to be raised (it was, in 1969, from eight to ten) and for the institution on the Island of a remand home.

"The Committee suggested a remand home on the lines of Campfield House, Oxfordshire, the Home Office's new detention centre. This house is run on the lines of stern discipline with an absence of the "good time" atmosphere which is said to characterise many of the orthodox remand homes."

(Ex, October 2, 1953)

1959: "Mr. W.E. Quayle, M.H.K. for Middle, has tabled a resolution for today's sitting of Tynwald asking that a Committee should be appointed to examine the

possibility of "setting up a remand home or approved school in the Isle of Man" and "the extension of the powers of corporal punishment in the Juvenile Courts".
(MH January 20, 1959)

1959: "At the conclusion of Tynwald . . . Standing Orders were suspended to enable Mr. E. Callister to raise a matter about a young girl being detained in detention quarters above the Douglas police station. Mr. Callister asked the Attorney General was it a fact that a girl awaiting a place in an approved school has been detained in the detention quarters since September 1, and did he think this was a proper way to treat a girl? The Attorney General, Mr. G.E. Moore said he would require notice of the question as he had not the slightest idea about it. Mr. Moore added that he would inquire into the matter. He added that it took some time for arrangements to be made about a transfer to approved school.

Mr. W.E. Quayle said that Mr. Callister should have got the full information before commenting.

Mr. Callister: "I am only concerned about the girl being kept in detention quarters over the Douglas police station."

(Ex, November 12, 1959)

1960: Three eight year old boys in detention were said by Mr. J. Reid (the caretaker) to "lack all discipline and use atrocious language. They have had the cane from me one or two times".

(MH November 25, 1960)

1960: "Children in trouble!" Olive Tyson writes an impassioned plea for the underprivileged children, an article in two parts, the second of which appears early in the new year. The reaction is negligible, The Isle of Man Quakers support her efforts, and a letter from the Society of Friends is published.

(WT February 17, 1961)

1961: "The boy on remand — Seven weeks lonely detention in Douglas" — an article by Olive Tyson, WT February 17, 1961, reproduced in full:

"A Manx boy committed to an approved school has just started his seventh week of detention in the remand home. During this time, he has not been to school although he is 15.

"Apart from an hour's walk in the morning, and afternoon, of each day, he has been confined to the top floor of the Douglas Court House for the whole period. Each morning he spends two hours scrubbing the floors of the remand home and police station. The rest of the day he can spend in complete idleness. Except at meal times, which he spends in the kitchen with an older boy who is in detention, he is locked in his room alone. The only variation in his routine is that he is taken to church on Sundays. His room contains two beds, a locker, and a few books and games. Here is his daily routine:

- | | |
|--------------------|---|
| 7.30 a.m. | — He gets up. |
| 8.00 a.m. | — Breakfast in the kitchen. |
| 8.30 to 10.30 a.m. | — Scrubbing floors. |
| 11 a.m. to 12 noon | — Walk under supervision, sometimes a visit to the library. |
| | If wet, he is shut in his room. |

- | | |
|------------------------|---|
| 12 noon to 1 p.m. | — Lunch in the kitchen. |
| 1 p.m. to 2.30 p.m. | — Locked in his room. |
| 2.30 p.m. to 4 p.m. | — Walk under supervision if the weather is fine. |
| 4 p.m. to 5 p.m. | — Tea — On Tuesdays, Fridays and Sundays he has visitors for this hour, and any relation may visit. |
| 5 p.m. to 8 p.m. | — Locked in his room |
| 8 p.m. to 8.30 p.m. | — Supper in the kitchen. |
| 8.30 p.m. to 7.30 a.m. | — The caretaker goes in about 10 p.m. to see that he is all right for the night. |

"At the end of next week the younger boy will go to England to start in the approved school to which he was committed two months ago. His case is not exceptional. The older boy will go home at the end of the week. The physical needs of the boys are adequately provided for. Their rooms and beds are clean and their food is good. They have no work, except scrubbing, and no physical training except walking. They have no education at all, and no moral or spiritual training except the advice which the caretaker may give them.

"Every other adolescent boy on the island has an army of parents and pastors, teachers, youth leaders, welfare officers and friends to help him to grow into a good citizen. These boys, the most difficult of all and the ones who have often had to face the most tragic and insoluble human problems, are utterly alone for fifteen hours out of twenty four. For nine or ten of these they are, mercifully, asleep."

Constance Brown, a friend of mine, went to see the Governor about the schooling of children in the remand home, and since her intervention they are sent to school in term time. But their situation is not altered at week ends and during school holidays, and 16 year olds are presumably still locked up in the same fashion all the time.

1961: "J.P. wants laws on assault amended: Give Island's teachers much greater power": W.E. Quayle, M.H.K., J.P., addressing the National Council of Women put forward a programme of policy which, he suggested, would in a large measure reduce the occurrence of delinquency, and also serve as a salutary treatment for persistent offenders. This included the making compulsory in all Probation Orders that the child concerned should be in his home no later than 8.30 p.m. each day, and that an Attendance Centre should be established in the island, where juvenile offenders would be obliged to attend for a period of hard work . . . As now, a breach of such a Probation Order would invariably result in a sentence of birching and a further extension of the order . . . He felt the need for an amendment in the law relating to assault, in order that schoolmasters might be allowed to impose reasonable corporal or other punishment upon persistently offending pupils.

"In conclusion Mr. Quayle strongly advocated the setting up of a farm school, to be run on military lines, with reveille at 6 a.m., dormitory cleaning before an early morning inspection and an intensive course in physical training, including cross-country running as part of its strict, daily routine. Such a school would serve a double purpose, for if its schedule included comprehensive farm work and a course of evening lectures, it would not only fulfil its functions as a punishment

centre, but also provide potential apprentices already prepared to take up useful work in trade or the agricultural industry.

(MH May 9, 1961)

* * *

(The *Manx Sun* of October 25, 1833 had an editorial which advocated the installation of "a snug little treadmill" for the correction of the numerous juvenile offenders in the island . . .)

* * *

1961: "Cruelty by Committee: If anything ever gets done, it is due to one person. Indefatigably, Mrs. Tyson brings to our notice the fate of wretched children imprisoned alone, week after week, in the room above the Court House. We place our dungeons in the sky, but they are no more noticeable than if they were deep underground, until someone points out what goes on within.

"Meanwhile, a Committee has been appointed, and presumably sits. It is one of those rambling bodies comprising a doctor, a lawyer, a business executive, a social worker, a schoolteacher, and various other people with an interest in delinquency. The oubliettes in a mediaeval castle were, as the name indicates, places of punishment where prisoners were forgotten. The essence of the torture was to make a man feel that he had been removed from the world of men, and forgotten. Members of the Committee, full of good will, and actually by the best intentions, can hardly be expected to look upon themselves as torturers, yet they fulfil the same function."

(Leading article by H.L. Dor, WT November 24, 1961)

1961: "Juvenile problem: Edward Callister, M.H.K. asked H.E. the Governor in Tynwald: "In view of the public disquiet regarding unsatisfactory and inadequate accommodation now being used for the retention of juvenile delinquents, will His Excellency kindly take immediate steps under the powers vested in him under the Children and Young Persons Act 1949, to provide suitable and adequate premises for this purpose?" The Governor: "... I am fully aware of the criticisms that have been levelled from time to time ..."

(Ex, March 23, 1961)

1963: Report of Proceedings Legislative Council, February 12, 1963:

The Attorney-General: "I beg to move clause 13 (of the Criminal Justice Bill). This deals with the keeping of children in detention, and increases the period for which young persons may be kept in detention from one to three months."

Mr. McFee: "Why increase the period of detention?"

Deemster Kneale: "We have cases where persons have to wait to go into a home."

Mr. McFee: "Are you making the law to accommodate the home, or the home to accommodate the law?"

Deemster Kneale: "A month is sometimes not long enough."

Mr. McFee: "I am prepared to fall in with this if we have some assurance about a home. Is there any certainty about it?"

Deemster Kneale: "I believe a certain place has been arranged, in Port Erin, I think."

Mr. McFee: "I know nothing about it. I have never heard of it. It is news to me, and I live practically in Port Erin. It seems to me there are two governments in the Isle of Man — one bureaucratic and one democratic. I am against this because there is not sufficient information."

Deemster Kneale: "The Attorney-General will look it up and let you know. I do not want you to feel that any advantage is being taken."

Mr. McFee: "I am sure no advantage is being taken, but I think we should have more information about this home."

1964: "Children not put in 'cell': In answer to questions by Councillor C. Burke, Mrs. E.M. Watson, Chairman of the Children's Committee said "Children are not kept in the quarters for any length of time"

(MH May 5, 1964)

1964: Mr. Charles Burke tabled a motion: "That this Education Authority is of the opinion that the present detention quarters in the Douglas Police Station should be replaced by a more satisfactory remand home".

(MH May 26, 1964)

1964: Mr. Peter Hislop in an interview: "What do you think about the need for a remand home?"

"I agree there is a need. But don't let's run away with the idea that the quarters at the top of Douglas Police Station are all that bad, or that the welfare of delinquents waiting to go to approved school is neglected."

(RC June 5, 1964)

1964: "H.E. the Governor stated in Tynwald that "a good deal of progress has been made towards the selection and acquisition of a building as a Probation Hostel".

(MH July 14, 1964)

1964: "A Government white paper issued this week contains proposals for the establishment of a Remand Home and Probation Hostel and Detention Centre for the island . . . In recent years the conscience of the Island has been deeply stirred by revelations of the insecurity and unhappiness of some of its children, particularly those who have been unfortunate enough to lose one or both parents by death, divorce or desertion. We have reported cases of children living in appallingly dirty and inadequate homes, of children passed from one relation to another, of children with no father and overburdened mothers, who have never known the care and discipline of a proper home life, of children subjected to frequent quarrels and the problems of drunken and neurotic parents . . ."

(WT October 14, 1964)

1964: Fifty residents in Ballanard area, Douglas, have instructed an advocate to fight a Manx Government plan to convert the old mansion "The Retreat" into a Remand Home, Probation and Detention Centre.

(MH October 13, 1964)

1966: Remand Home Site opposed by residents of Glencrutchery Road — "Grossly

detrimental to neighbourhood".

(MH December 13, 1966)

1968: "It is a scandal that nothing was included in estimates for miscellaneous services to provide a Remand Home in the Isle of Man"; Mr. C. Burke in Tynwald. Mr. J. Bolton, replying: "There are no firm proposals for a Remand Home so it had been quite impossible for the Finance Board to include such an item in the estimates".

(MH March 1968)

1969: "Home for Juveniles with anti-social tendencies: The Children's Committee of the Board of Education should have access to suitable accommodation at short notice for boys and girls who are unsuitable for admission either to a residential home or foster home, on the grounds of their criminal record and anti-social behaviour and tendencies."

(MH December 30, 1969)

1970: Leader in *Examiner*; . . . What will the New Year hold for us all? . . . For the not so fortunate ones, shall we see a real attempt to come to grips with the need to provide a proper centre for children on remand or in transit? Words will no longer do . . . "

(Ex, January 1, 1970)

1971: "Island Home for Young Offenders? G.V.H. Kneale, M.H.K. Chairman of the Board of Education: "The current rate of maintenance (of juveniles in approved schools) is approximately £1700 each per annum. You could send three students to University for the same cost. This year we estimated for two cases, but regrettably, at present, there are six either in such schools, or awaiting admission, with the possibility of two more."

(Ex. January 8, 1971)

1971: "The House of Keys has given permission to Mr. John Bell, M.H.K., to introduce a Bill to provide for a Home, but Mr. Bell explained to the House that he would not take any steps to further the principle until the Board of Education had finished looking into the matter".

(Ex. February 26, 1971)

1971: "Call for Juvenile Home: Children in 'Police Station Attic': Another plea for the Manx Government to provide a multi-purpose home and do away with the detention quarters at the top of Douglas police station was made at the Board of Education meeting by Mr. Percy Cubbin, Chairman of the Children's Committee."

(DT April 3, 1971)

1972: "Deemster backs call for better detention quarters I only hope that steps will be taken soon to implement the several recommendations already made for the improvement of the conditions under which young persons are detained and remanded in the Isle of Man."

(Ex. February 25, 1972)

1972: "The island's most overcrowded home": A feature revealed that "there are

at present nine children — eight boys and a girl — locked in the second floor rooms of the Douglas Police Station, which do duty as the island's remand home". As the girl occupied one of the three bedrooms, the recreation room had to be used as a bedroom. There is an average length of stay of between two and three weeks, but cases can arise such as that in 1968, when a boy was kept in the remand home for 24 weeks pending his appeal against sentence — which proved successful.

(Manx Star March 20, 1972)

1972: "An absolute disgrace" was how the present detention quarters over Douglas Police Station were described in Tynwald by Mr. Victor Kneale, Chairman of the Board of Education . . .

(Courier March 24, 1972)

1973: "Fresh moves for Remand Centre" . . . Mr. Brian Mylchreest, a member of the Magistrates Association commented: "This is something that we are very keen to see brought about. The present quarters are obviously unsuitable. People have woken up to the fact that a new remand home is needed."

(Courier, February 16, 1973)

Tynwald — Summary Jurisdiction Act 1960

Tynwald, which can procrastinate for years if it so wishes, passed the Summary Jurisdiction Act 1960 with unusual speed. Three readings are required in each House to pass a Bill; the first reading in the Legislative Council was on November 3, 1959, and the last reading in the House of Keys on March 1, 1960. There was a five week Christmas recess in between.

The main changes brought by the passing of this Bill were, first, a redefinition of the age groups of juvenile offenders: children under 14 (instead of under 15), and young persons under 17 (instead of under 18).

Secondly, it extended the powers of lay magistrates to impose corporal punishment on children, young persons, and adults aged under 21; previously, this power had been limited to children under 15.

Thirdly, it specified the types of crime for which corporal punishment could be ordered: for children, any indictable offence; for young persons, any indictable offence; for adults aged 17 to 20, assaults occasioning actual bodily harm.

Finally, it introduced the use of the cane instead of the birch for children (maximum six strokes), and laid down the maximum number of strokes of the birch as twelve, both for young persons and for adults under 21.

In the Legislative Council:

The Bill was first introduced by the Attorney-General (later Deemster) G.E. Moore. Both the second and third readings of the Bill went through on the same day in the Legislative Council.

The *Attorney-General* said: "... It is believed that the comparative freedom from hooliganism which the island enjoys is due to the power of the courts to impose corporal punishment in certain cases. It is not without significance that recently there was an announcement by Lord Chief Justice Parker on the subject of corporal punishment, and his views agree with those expressed in this Bill. That is not only the view of Lord Chief Justice Parker or my views. It comes forward with the support of the Magistrates Association and the Executive Council ..."

It was later revealed in the House of Keys that the Magistrates Association had not even been approached on the subject, but there had been some "consultations". Mr. W.E. Quayle quoted a letter dated July 12, 1958, in which it transpired that the Education Authority and the Juvenile Panel of Magistrates agreed to the redefinition of juvenile age groups, and to the birching of young persons. (Keys, February 12, 1960).

Time and again during the debates, both in the Council and in the Keys, Members alluded to the fact that they had been caned at school.

Mr. J.F. Crellin, M.L.C. (Members of the Legislative Council): "... I must say

that I would not object to the whipping . . . I think all of us round the table can go back to our schooldays, and in those days it was better than writing one thousand lines, and it was short and sharp. I am satisfied, as the Attorney-General, that it will have a deterrent effect".

Apparently Mr. Crellin thought that the Attorney-General had said: it *will* have a deterrent effect. But according to the debate report, he claimed that it already *had* a deterrent effect, before coming into existence. Up to the passing of this Bill, only children under 15 could be corporally punished on the orders of lay magistrates, and although the higher court had wider powers, these did not apply to children, only to older age groups and for crimes much more serious than "hooliganism" (more of this later, when we look at the passing of the Criminal Justice Bill in 1963).

Sir Ralph Stevenson, M.L.C.: "One of the main arguments against it is that it is degrading. I do not know about the experience of my colleagues, but when I was caned I did not feel myself degraded in any way. Sore and wiser, perhaps, but not degraded."

Mr. T.F. Corkhill: "I sometimes look back and think it was the beatings I didn't get that did me harm, not the ones I got".

An exchange in the debates alluded to the right of appeal:

Deemster Macpherson: "I have one question on clause ten(c). In the first line it says 'the whipping shall be inflicted as soon as practicable after sentence'. What about the possibility of an appeal?"

The Attorney-General: "That is why it is worded 'as soon as practicable'. That has been considered, and this is the most practical method of dealing with it."

Deemster Kneale: "That is existing law."

Deemster Macpherson: "Obviously, time for appeal must elapse before the sentence is inflicted. You cannot punish if there is a right to appeal."

Deemster Kneale: "Of course you can. If a person decides to appeal, he will require to move quickly to avoid immediate punishment."

The Attorney-General: "If the offender says he is going to appeal, then the sentence will not be carried out."

In the House of Keys:

The first reading of the Bill in the House of Keys occurred on January 26, 1960, a fortnight after the Legislative Council had given the Bill its second and third readings. The following week, on February 2, the House started its second reading. A birch was produced in the House, at the request of Edward Callister, who was quick to point out that the "barbaric bauble" in the House was undersize, the real thing being 40 inches long, or one metre.

Mr. A.H. Simcocks introduced the Bill, reading it right through.

Mr. Edward Callister attacked the Legislative Council for the flippancy displayed in debates. "The comparison between getting a good hiding from one's father, or being caned at school, and being birched in a police station is quite absurd. My father never struck me in his life —"

Mr. J.B. Bolton: "Pity."

Mr. Callister, who had done his homework, described the specifications of a birch

rod. "I hope you are proud of it, I am not, nor do I think is any decent minded person. Now what happens after magistrates have made an order for birching — "

Mr. A.C. Teare: "Whacko."

(Mr. Callister was interrupted time and again during a long and impassioned speech.)

Mr. A.H. Simcocks: "The magistrates can, in fact, order the birch for any male person under 15 guilty of, say, larceny: it is a matter for the wisdom of the magistrates."

Mr. R.C. Stephen: "There may be young lads restrained from wrong-doing by the very fear of the birch."

Mr. E. Callister: "Pure imagination."

Mr. R.C. Stephen: "99 per cent of your case was just imagination."

(Mr. Callister had been quoting at length from the Cadogan Report.)

Mr. W.E. Quayle: "The legislation tightens up things and reduces corporal punishment — yes, reduces — to what it is intended for, assault upon a person, it reduces it to aggravated assault. Mr. Speaker, I, in common with my colleagues, have looked at facts and figures in this matter. I have also looked up the report of 1938 which (Mr. Callister) quotes from, and I maintain that it is out of date, as there is no corporal punishment since that date." (In fact, there was until 1948.)

Mr. E. Callister: "Psychological results are never out of date."

The debate was resumed on February 23, Mr. W.E. Quayle continuing his speech.

Mr. W.E. Quayle: "... It is only administered as a last resort in certain cases. The normal procedure on the first offence is to give another chance, that is *invariably given* (my italics). On the second offence, the usual procedure is a small fine or a period of probation. For subsequent offences there is a lengthening of probation, and for offences committed on probation, for breaking the trust reposed in them, they are likely to be given the short sharp lesson already referred to. That is the practice of the Benches throughout the Island ... Mr. Callister was in error about two points. He was of the opinion that the number of offences punishable under the Act was limited. I have six and a half pages of offences for which offenders could be birched. But he rarely hears of them; that proves it is a power which is rarely used." The second error Mr. Quayle pointed out is that, under the 1949 Act, the presence of a doctor is not mentioned (Note: nor is it in the 1960 Act). Mr. Quayle asked why Mr. Callister made a fuss over birchings which are announced publicly in court, but not about the Remand Home Rules 1966, which say: "Corporal punishment for boys may be inflicted with a cane or similar instrument to be approved by the Government Secretary, and may be inflicted to any boy in the Remand Home up to the age of 18."

Mr. Quayle then produced the result of his research into assaults in the Isle of Man for the previous three years. There had been seventy, of which nine were committed by youths under 17, twenty-one by the 17 to 20 age group, and forty by men over 21. He finished his speech pleading for more canings in schools, where "teachers should use their right arm more".

Mr. E.C. Irving spoke next. He admitted that he was for the Bill till he heard that corporal punishment had been abolished in practically the rest of the civilised world. "If I had been asked in the street several months ago, I would have said 'flog them'."

But as a member of this House, dealing with a Summary Jurisdiction Bill, my duty is not to rely on my emotions, but to discover what I can about the subject, and to give it very serious consideration. I have taken the trouble to read the opinions of people with wide practical experience of dealing with young offenders . . . Corporal punishment is, certainly in the crudest form of flogging, a barbarous penalty out of place in a modern, enlightened, humane penal system. . ."

Mr. A.S. Kelly: "That sounds lovely."

Mr. E.C. Irving: "And it just doesn't work. It is ineffective."

Mr. Irving quoted Sir Basil Henriques, for long a Juvenile magistrate in London's East End: "Corporal punishment ordered by the court does not protect the public, it merely satisfies a desire for retribution. It removes parental responsibility. It is very questionable whether it is a deterrent to others, and it has not been proved that it reforms the defendant." Mr. Irving added: "Hon. Members laughed at Mr. Callister, but Mr. Callister will have the last laugh."¹

Mr. J.M. Cain, a J.P., claimed that birching is only imposed on children as a last resort never to his knowledge to children in court for the first, second or third time.

Mr. Callister contradicted him, and pointed out that "in the last three years the birch was ordered on one first offender, on six second offenders, on four third offenders, and one fourth offender".

Mr. Nivison: "... I can recall a case of a boy who was birched. He went to school with me, and whenever I think of him, I think of that incident. He has since proved himself a good citizen. His crime was that he took 2s from the desk of the school teacher. He was 11 years of age. It was reported to the police, and he was charged. Then that little child came back to school and I can see him today, pulling his pants down and showing the cuts on his bottom. That child was not a criminal, but he might have been made into one by those lashes . . ."

Mr. C.C. McFee also remembered a man who, when a boy, was birched for stealing bread because he was hungry; his father was a drunkard and his mother had left him. "This was the only boy of my generation in my neighbourhood to receive the birch, and he became an old lag. . ."

Mr. Callister, Mr. Irving and Mr. McFee all asked for an investigation or an inquiry before passing such a controversial Bill.

Mr. A.S. Kelly, a J.P.: "Within the last 15 years I have had the experience of ordering the birch twice, but it was only ordered for very exceptional reasons, and I have reason to believe it acted as a deterrent . . . A policeman had told me there is so much air resistance when the birch is used it has hardly any effect at all. It may mark the culprit a bit and cause a winge of pain, but it is nothing like as painful as the cane which used to be used at school; and I have had the cane on my hands and on my backside . . ."

Mr. E. Callister: "The Cadogan Commission has been ridiculed because it happens to have been in 1938, but if that Commission had reported in favour of corporal punishment, every one of the advocates of it in this House would have quoted it. The findings of the Cadogan Commission are quite clear and are based on evidence . . ."

Mr. G.C. Gale: "It was 22 years ago."

1. Sadly, Mr. Callister died in April 1973.

Mr. E. Callister: "If the Hon. members want a Commission to consider the question now, why not have one? They do not want it because they know what the result would be . . ."

Mr. W.E. Quayle attempted to amend two clauses, which, had the amendments been carried, would have given lay magistrates the power to inflict corporal punishment on all males, *without age limit*, and not only for assaults occasioning actual bodily harm, but also for provoking language, and for behaviour tending to a breach of the peace.

Mr. A.H. Simcocks (who is a lawyer), during the discussion of the clause as to the "provisions in relation to sentences of whipping" stated that, contrary to what Mr. Callister had said three weeks earlier, "a doctor is *not* present when the punishment is inflicted. A doctor examines the child *before* sentence is carried out, but it is not true to say that a doctor is present to see that injury is not inflicted" — (yet, we know a doctor *is* sometimes present).

At the third reading, further efforts were made by the opponents of the "Birching Bill", and their ranks were swelled by Mr. T.H. Colebourn, who had been absent at earlier debates.

Lt. Cdr. Quine: "... (I) wonder if we could extend the period of this Bill to six months, and perhaps someone would be disposed to moving that it be taken in six months' time."

Mr. W.E. Quayle: "And kill it."

Lt. Cdr. Quine: "It deserves to be killed . . ."

The Summary Jurisdiction Act 1960 was passed in the Keys by 18 votes to six, the six against being: Lt. Cdr. Quine, J. Nivison, T.H. Colebourn, E. Callister, C.C. McFee, and E.C. Irving. This was on March 1.

Mr. Tom Driberg, M.P., tabled a motion in the House of Commons to withhold the Royal Assent on the Bill, and this move was discussed in the Keys on March 22. On May 5, Mr. Sidney Silverman, M.P., asked the Home Secretary in the House of Commons if he would advise the Privy Council that the Royal Assent should not be given to the Summary Jurisdiction Bill of the Isle of Man "which enforces penalties which this country has long discarded". (*DT May, 1960*)

The Royal Assent was, however, given on May 14 and this was announced in the Court of Tynwald on May 17. Immediately, birchings and canings resumed on the island starting with one on June 1. In the year 1960 from June to November, eight juveniles (aged 10 to 14) and one youth of 17 were judicially whipped. In all the cases but one, Mr. W.E. Quayle was Chairman of the Bench.

CHAPTER XII

Tynwald — Criminal Justice Act 1963

In the last chapter we saw how, in 1960, the Summary Jurisdiction Act was passed, affording lay magistrates extended powers of imposing corporal punishment. In 1963, the new Criminal Justice Bill was debated, and passed, in spite of the gallant efforts of Mr. J. Nivison in the Legislative Council, and of Mr. E. Callister in the House of Keys. The Bill was launched on November 6, 1962, and came to fruition on May 14, 1963.

The public might well have been utterly confused by these fresh debates covering old ground. This Bill was designed to modernise Manx Criminal law: it abolished transportation, penal servitude, and hard labour; it made new provisions for probation orders, for a remand home, for mentally defective offenders, for compensation awards, and . . . it altered the high court's power to inflict corporal punishment.

According to the Attorney-General, the higher court's hitherto "unlimited" powers were to be reduced by the Bill: the cat o' nine tails to be in all cases replaced by the birch, with a maximum number of 12 strokes for young persons, and 20 strokes for adults. For very small boys, the birch to be replaced by the cane. But a new power would be given to the higher courts which was already enjoyed in summary jurisdiction, i.e. imposing corporal punishment on youths aged 17 to 21, found guilty of assault causing actual bodily harm.

In the Legislative Council:

In the Legislative Council, Mr. Nivison tried to get the Attorney-General to admit that the Isle of Man was out of step with the rest of the world, but he received a dusty answer. First debate in Council, February 5, 1963:

Mr. Nivison: "We are the only people in the British Commonwealth which orders whippings."

Attorney-General: "No."

Mr. Nivison: "Have you the names of the other countries?"

Deemster Kneale: "Jersey and Guernsey, Alderney and Sark. . ."

Attorney-General: "It differs throughout the Commonwealth."

Mr. Nivison: "I think you are misleading the Council."

Attorney-General: "I am not misleading the Council, and you must not say so . . ."

Mr. Nivison: "I am asking if there is any common (criminal law) on whipping. I would like to know when we deal with the clause with reference to the United Kingdom, Canada, Australia, New Zealand and so on. . ."

Deemster Kneale: "India."

Attorney-General: "Nigeria, Ghana."

Mr. Nivison: "You could give the answer if you wished."

Attorney-General: "I will not be able to."

Deemster Kneale: "I think the learned Attorney-General is saying he will not be able to go round the Commonwealth . . . I am sure the learned Attorney-General would give any information he can get . . . from the Home Office."

Attorney-General: "They will not know . . ."

In the course of one debate, Deemster Macpherson enlarged on the powers then held by the higher courts to impose whippings — and they were not "unlimited", as the Attorney-General had claimed earlier:

Deemster Macpherson: "There are many offences under existing law whereby an offender under the age of 16 may be whipped by a court of General Gaol (the higher court) — such as throwing a corrosive fluid like sulphuric acid into a person's face, setting fire to buildings and ships. They are serious offences for which a person under 16 may at the present time be whipped, and the number of strokes is at the discretion of the court. That is under present law. There is also, as far as I am aware, only one case where a person of full age may be beaten, and that is where the person committed armed robbery, or robbery with violence, and then he may be birched. No person, however, of any age — young person or child — has been whipped by the Court of General Gaol during the past five years."

Attorney-General: "The point I think members should bear in mind is that at the present time there is no limit on the number of strokes which General Gaol may award."

Deemster Macpherson: "In the matter of robbery with violence, for young persons the maximum is 25 strokes, and for a male over that age the maximum is 50 strokes."

On February 13, 1963, in the Legislative Council, the Attorney-General made an interesting statement, which was quoted by the island press:

The Attorney-General: ". . . From statistics kept on the island it is known that 70 per cent of persons who have been birched for the first time have never come before courts again . . . are never heard of again by the police."

This statement lacks precision. Why specify "persons who have been birched for the first time?" And do the 70 per cent include non-residents because if so it is hardly surprising that the Isle of Man and its courts never hear of them again!

At the third reading in Council, on March 5, 1963, the Attorney-General gave some information about corporal punishment in other parts of the Commonwealth. He read part of a letter to him from the Commonwealth Relations Office: "Unfortunately, we are unable to provide you with a complete picture, as the library have only been able to unearth corporal punishment legislation for 11 Commonwealth countries."

The Attorney-General: "Very briefly the position is this. There is no Commonwealth principle in relation to the use of corporal punishment . . . (it) is part of the law of the land of the whole of the Commonwealth except in two places — Ghana and New Zealand. The extent to which corporal punishment exists in the law of all other Commonwealth countries varies. In the United Kingdom, corporal punishment is confined to assaults on prison officers . . . The provisions contained in the Criminal Justice Act 1948 of the United Kingdom don't apply to Northern Ireland where

corporal punishment is still part of the law as it was in the U.K. prior to 1948. The same applies to Southern Ireland. In all the States of Australia, and Canada . . . the law includes corporal punishment for quite a considerable number of offences. I think that is really about all, sir."

Mr. Nivison: "No particular mention with regard to little children?"

Attorney-General: "It varies from country to country, as I have said."

Mr. Nivison: "But in no country do they birch an eight year old?"

Attorney-General: "In the State of Victoria, in Australia, there is no corporal punishment for children under 17. It varies tremendously from country to country."

Mr. Nivison: "But there is no question of birching a child of eight?"

Attorney-General: "I cannot say whether that is so in all cases or not."

Mr. Nivison: "... I am grateful to the Attorney-General for the rather vague information regarding what happens with regard to corporal punishment in certain of the major Commonwealth countries. We do know that in the U.K. corporal punishment is administered to a confined section of people, such as people who assault prison officers . . . and we do know that in Australia and Canada and New Zealand corporal punishment is not administered in respect of children."

Attorney-General: "That is not so."

Mr. Nivison: "Is it not?"

Attorney-General: "... I said there was no corporal punishment of children in Victoria."

Mr. Nivison: "I am of the opinion, Your Excellency, in the absence of any information to the contrary, that in the major countries, corporal punishment is not administered to children."

Attorney-General: "It is no use arguing that. It is not so."

Mr. Nivison: "You have not told us that. I asked for that information, and you have not said it is."

Attorney-General: "I have told you, in answer to your question, that in Victoria, corporal punishment cannot be inflicted on children, but children in other states of Australia get it."

In the Cadogan Report 1938, the following information is given in an appendix on the Commonwealth:

Australia — Commonwealth law — no corporal punishment for juveniles or adults.

New South Wales — Juveniles — no cases in the last five years.

Adults — None since 1905.

Queensland — None in recent years.

South Australia — Four adults, from 1932 to 1937.

Tasmania — No corporal punishment.

Victoria — One juvenile (age limit 16), and ten adults, in the last five years.

West Australia — None in the last five years.

Canada — For 1932-36, the average annual number of cases was 130 adults and 55 "spankings" of boys under 16.

Eire — 25 juveniles, no adults, in the five years 1932-1936. Age limit for juveniles 12 — maximum 6 strokes of the birch.

Newfoundland — 61 juveniles, no adults in the five years 1933-1937.

Age limits: 7-14 (maximum 6 birch) 14-16 (maximum 12 birch)

South Africa — No information. (Note: in their 1937 pamphlet "Flogging" the Howard League quoted 3,084 sentences in 1935, juveniles and adults combined.)

Southern Rhodesia — Juveniles in the five years 1932-1936: 43 Europeans, 1656 natives. Adults in the same period, average 39 (total 195) of which only one was a European.

The Cadogan Report also gave information as to corporal punishment in European countries:

Austria —	none	Holland —	none
Belgium —	none	Hungary —	none
Czechoslovakia —	none	Italy —	none
Denmark —	none	Norway —	none
France —	none	Portugal —	none
Germany —	none	Switzerland —	none

At various times in the 1930s the last vestiges of judicial corporal punishments were abolished in **Finland** and in **Sweden**. The Howard League pamphlet also listed further countries which have no judicial corporal punishment: **Chile, Colombia, Cuba, Estonia, Greece and Turkey**

The third reading in Council was agreed by eight votes to two, the dissenters being Mr. Nivison and Mr. McFee.

In the House of Keys:

The House of Keys debated the Criminal Justice Bill 1963 on two days only, the second reading on May 7, and the third and final reading on May 14, 1963.

Mr. Callister: "... We have at last wakened to the fact that we can no longer transport anybody to any other country. ... "

Mr. Kelly: "That is a pity." (laughter)

Mr. Callister, with a little help from Mr. Percy Coupe, was the only Member of the House of Keys to question the wisdom of corporal punishment in a group of 20 elected representatives present. He put up a brave fight, quoting at length from the Cadogan Commission, the Barry Report of 1960, the Youth Services Committee of 1960, and the National Association of Probation Officers; all in vain.

Great capital was made out of one statement of Mr. Callister's, which is worth studying closely. The ploy was that, since 1960, younger children are caned on top of their clothes, but other juveniles are stripped and birched on the bare skin, a technical detail which was not then, nor now, commonly known.

Mr. Callister: "... What takes place when a *juvenile* is caned or birched? Having been brought to the court, very often by a policeman, after several days have elapsed, he undergoes the ordeal of the court. The child is then taken to the police station where he is stripped by a policeman ... "

Mr. Quayle: "He is what?"

Mr. Simcocks: "He is not stripped and the Hon. Member knows that very well."

Mr. Callister: "He is stripped."

Mr. Simcocks: "He is not stripped, as the Hon. Member very well knows."

Mr. Callister: "He is stripped because he has to be birched on the bare skin."

A member: "What are you quoting from?"

Mr. Callister: "From the Cadogan Report and also from information supplied locally."

The Speaker: "I don't think the Cadogan Report has any bearing on this local matter."

Mr. Callister: "I say they are stripped. Until somebody can prove they are not, I say a child is stripped because he is to be struck on the skin."

Mr. Quayle: "I would ask the Hon. Member to withdraw his statement which is completely untrue and quite contrary to the Act of 1960."

Mr. Simcocks: "As the Hon. Member very well knows."

Mr. Callister: "Unless you bring me the evidence and take me to the court to watch the child, no one can refute that it does not take place, and that is the practice in the United Kingdom and I submit it is the practice here."

Mr. Quayle: "I refute that categorically. It is not the practice in the United Kingdom, and I perhaps know more than he does, but he knows perfectly well, and I can assure him having witnessed the birching, that there is no stripping."

The Speaker: "I am sure the Hon. Member in charge of the Bill (Mr. Simcocks) will clarify the position."

Mr. Callister: "It is very astute of the Hon. Member for Middle, Mr. Quayle, in saying there is no corporal punishment in the United Kingdom. I am not prepared to withdraw what I have said . . . Practically all the regulations are copied from the English regulations, and I fail to see why it should not be so in the island."

Mr. Simcocks: "Because it is a different instrument."

Mr. Callister: "It is not a different instrument."

Mr. Simcocks: "You are speaking of children."

Mr. Callister: "And the child is beaten on the bare skin."

Mr. Quayle: "He is not."

Mr. Callister: "He is bent over a table and his hands are held or tied and, after having been lashed, he is turned into the street." (laughter)

Mr. Quayle: "You are telling deliberate lies."

It is worth noting that according to a press report Mr. Quayle, together with Mr. Hislop and Mrs. Bridson, witnessed the birching in 1956 of a 13 year old — and all birchings are applied on the bare skin. Mr. Quayle obviously has also witnessed canings, as he is emphatic that the children are not stripped. Although he had just said "having witnessed the birching" it must be assumed that he meant "the caning".

I wonder how often magistrates were present at the carrying out of sentences of corporal punishment. Certainly the 1960 Act makes no provision for their presence, the people allowed being listed as a police officer of a rank superior to that of the police officer who inflicts the whipping, and, if he so wishes, the parent or guardian. The Act nowhere specifies the details of "on the clothes" or "on the bare skin", so I fail to see on what grounds Mr. Quayle could accuse Mr. Callister of having made a statement "which is completely untrue and quite contrary to the Act of 1960".

If anyone was playing cat and mouse with the truth that day, it was surely Mr. Quayle himself. Mr. Simcocks too, a professional lawyer, who was in charge of the Bill, was less than candid when he repeatedly implied that Mr. Callister knew very well that children were not stripped (for canings). Up to that date, since 1952, there had been over 80 whippings, only ten of which had been canings, and three of these

had been non-resident children. Mr. Callister was not likely to have been approached by the seven Manx boys, aged between ten and 13, who had been caned in the previous two years. Only they could have enlightened him.

Nor was this the only abuse Mr. Callister endured in the House:

Mr. Radcliffe: "... I have been standing up to the Hon. Member who is only full of ignorance, and who slanders everyone in the Isle of Man. You are full of ignorance."

Mr. Callister: "I wonder where you come in on this Mr. Speaker."

The Speaker: "I myself am wondering about the position, because the Hon. Member has been very closely infringing on Standing Orders throughout his speech and if he is getting any retaliation, he is only getting what he asked for. This is where I come in."

The House adjourned for luncheon, during which time Mr. Callister went to see the Chief Constable. The debates resumed. Mr. Radcliffe quoted figures to support corporal punishment. He had dug up the number of cases of corporal punishment given in approved schools and remand homes in England (and Wales?) — about 4500 a year. Mr. G.V. Kneale pointed out that there were 2500 male children on the island between the ages of eight and 14, and out of those "a dozen" had been caned. Mr. Kneale repeats the mistaken statement already made by Mr. Kelly, Mr. Crowe and others, that no first offender is ever given corporal punishment.

Mr. Callister got insulted again:

Mr. Quayle: "... rarely has a debate fallen to such a low standard and such a low ebb as it has today ..."

Mr. Kneale: "... the statement made by (Mr. Callister) is exaggerated, and it is out of all proportion ..."

Mr. Kelly: "... you got to a very low level — the way we were cut up afterwards was unbecoming to the House ... I know the Hon. Member's views on the matter, but in this he has been consistently over-rude ..."

But, later:

Mr. Callister: "Have I your permission, Mr. Speaker, to make a statement on what happened this morning regarding the stripping of offenders? I have since seen the Chief Constable on this ... This morning I was accused of lying when I said that juveniles were being stripped ..."

Mr. Simcocks: "You said children."

Mr. Callister: "I was referring to juveniles. I now find there are no regulations in force on this, but His Excellency, being responsible for law and order in the island, gave orders to the Chief Constable up to 1960 that children were to be stripped to be whipped. I believe this was the birch instead of the cane."

"When the Summary Jurisdiction Act came into existence, the Governor gave instructions to the Chief Constable that children under 14 were not to be stripped in future, but children over 14 were to be stripped. Mr. Speaker, I think it is entirely unwarranted for people to say I am lying."

Mr. Simcocks: "Mr. Speaker, I think we should appreciate that the Hon. Member has very strong opinions on the question of corporal punishment. His opinions are so strong that they often run away with him. . . The lack of regard which the Hon.

Member has for veracity in the wild statements he makes — doubtless out of honest enough motives — makes nonsense of his arguments.”

Mr. Gale: “. . . What a lot of rubbish we heard this morning. How the Hon. Member for North Douglas can persuade himself that he is right and everyone else is wrong, I do not know.”

At the third reading, Mr. Callister gallantly tried again to convince his colleagues that, at the very least, they might read the Commission's Report from which he had quoted at such length. He tried to point out the triviality of the offences of the seven juveniles who had been whipped the previous year: “Seven, only one of which had been charged with assault, the remainder having been guilty of petty pilfering . . .”

Mr. McLeod: “They have not been back to court.”

This interjection went unchallenged, but in fact Mr. McLeod was mistaken. Two of the seven were Dublin day-trippers, and we do not know whether they have been back in court in Ireland. Three were Liverpool boys, and one of these is known to have been back in court in Liverpool very soon after his whipping in the Isle of Man. The two residents both re-offended in the same year, one after five months, and one after three days. All the way through the debates, in the Legislative Council and in the House of Keys, both in 1960 and in 1963, inaccurate statements such as Mr. McLeod's abounded, and went uncorrected. It is not surprising that the public at large believe these myths.

Yet Mr. Simcocks, in this last debate, accused Mr. Callister of making “wild and irresponsible statements, without the slightest regard for the truth”. Except for his understandable confusion over which juveniles were stripped, which Mr. Simcocks or Mr. Quayle could have clarified in a few words, I can find no wild, irresponsible or untruthful statement whatever in all that Mr. Callister said. On reading the reports of the debates, however, it would seem that “wild, irresponsible or untruthful statements” were made by just about every other member.

CHAPTER XIII

The J.C. Affair

In 1970, corporal punishment was ordered only twice, both times on adults, the first in July (*Guardian* July 8, 1970). He was a 19 year old Manchester youth, a seasonal worker, who one evening on the Douglas Promenade picked an argument with an 18 year old girl, also a seasonal worker from Manchester. The girl said in court: "... he asked me for a bite of my peach, I said no. He then pushed me on the pavement and took the peach from me. I said something like 'I hope it chokes you'. He then ran up behind me, asked me what I had said. He then clenched his fist and hit me three times on the nose, leaning me up against a stationary car" (*Ex. July 10, 1970*).

The girl's nose was broken, and the youth was ordered to receive four strokes of the birch, and to pay the girl £25 compensation. The *Guardian* reported: "Before he left the dock to go below into the police station, the Chairman of the Bench, Mr. Leslie Vondy, said: 'We would ask the police inspector to inform the defendant of his normal rights'. These include 28 days in which to lodge an appeal, which would mean postponing the birching. A police spokesman said last night that he had waived his appeal rights, and he was birched two and a half hours after he had been sentenced".

I remember reading, but omitted to make a note at the time, that the youth in question in an interview some days later stated he was so drunk at the time of the offence that he could recall nothing of the incident, and that he was deeply ashamed of himself.

No one can deny that to break a young girl's nose is anything but reprehensible, but I wonder why this particular youth was birched; why pick on him out of all the disturbances, fights and assaults which occurred that summer, some of which would seem far worse?

The second adult to be birched in 1970 was J.C. Where does he fit into all the drunken brawls, fights, assaults of hotel staff, security officers, members of the police, holiday makers, women in their homes etc. reported weekly in the island press that summer? The average fine for most of the offences seems to have been £10: J.C. was fined £10, but he was also birched, and the next day was dismissed from his job (without notice, holiday money, redundancy payment or explanation). His case received widespread attention from the national media.

What had been his crime? It was described at length by all the national newspapers. He had been to a dance. At closing time, he and a friend followed two girls, and he tried to make a pass at one of them on the main road to Bradda Glen (not in the Glen itself as many people believe). He picked her up from behind, putting his arms round her waist. She struggled to free herself, and as he let her go, she fell. He did not lift a finger to her: she herself made that quite clear. This is an assault termed as "common", because any bodily contact, a shove, a push, a slap, is technically an assault.

He was charged with common assault, and as he had already had two brushes with the law, though not for crimes of violence, he engaged a counsel, who advised him that the offence was so trivial, it was not worth his while missing a day's work. The court was held on Friday August 14. The panel of magistrates retired for five minutes, and came back with a verdict of guilty of assault "occasioning actual bodily harm", and sentenced him to six strokes of the birch, and a £10 fine.

The "actual bodily harm" was necessary to make birching possible in view of his age. "Bodily harm includes any harm or anything calculated to interfere with the health or comfort of the person. It need not be permanent, but must be more than transient or trifling". (Deemster Macpherson MLC January 12, 1960)

J.C.'s lawyer telephoned him at his place of work to break the news to him. He took it rather badly, and tried to contact his parents, who had separated two months previously, after years of disharmony. At first, he had difficulty finding his mother, who was at work. He managed to get in touch with his father.

J.C. was told by his lawyer, in the same breath, that he had the right to appeal but that it wasn't really worth it. I spoke to the lawyer the next day over the phone, and he told me he thought J.C. deserved a birching, though "perhaps not as much as six strokes". J.C. decided to take his punishment, and to get it over and done with immediately, the same evening.

The Castletown police surgeon was, that day, a woman locum. After witnessing the birching she prescribed J.C. some ointment to put on the weals.

When he came out he is quoted (by the local newspapers) as saying: "I've learnt my lesson". He then proceeded immediately to a public house, where he drank excessively. Reporters and photographers plagued him with questions, and J.C. not being used to handling pressmen, and besides, being drunk, gave a rather coloured account of his sufferings during the ordeal. Several national papers quoted him as claiming to have "passed out" or "flaked out" during the procedure. (August 15)

The *Sunday Times* (August 16) had a front-page article and an interview with J.C.'s mother. By Monday, August 17, Mr. Colin Vereker J.P. was justifying his Bench's decision: "Although the charge was one of common assault and not of causing actual bodily harm, I stated in court that the law laid down that if the Bench were satisfied that an assault might cause 'mental stress and strain', corporal punishment could be ordered. For that particular offence, we could even have ordered the maximum of 12 strokes. My colleagues and I had to study the case on its merits. The boy had a bad record . . ." (*Daily Telegraph* August 17, 1970).

Mr. Vereker was also quoted as saying: "Birching is a useful deterrent, it is more degrading than anything else when a lad has to bare his bottom and get it smacked" (*Daily Mail* August 17, 1970). And again: "Mr. Colin Vereker, a Member of the House of Keys, says he feels the birch is a useful deterrent: 'Not so much the physical pain as the fact that it is degrading . . . It is no use fining them, they merely peel off a fiver and go on their way'." (*The Times*, August 17, 1970).

The following week, the local press gave more "evidence" of the desirability of corporal punishment: "Blackpool traders say Bring back the Birch" (*DT* August 25, 1970); "Women want birch back in England — call by Barnsley liberal councillor G. Epton" (*MH* August 25, 1970). Other island newspapers revealed that a woman J.P. Mrs. Elspeth Quayle, was considering resigning as a magistrates (*Ex* August 21, *WT*

August 20, 1970). She had been on the Bench that dealt with J.C., along with Mr. Vereker, chairman, and Mr. Jack Hill-Heaton, an *ex-officio* magistrate. Mrs. Quayle hit out at the system of appointing magistrates, too many of them being too old, and she particularly objected to *ex-officios*, who only serve during their term of office as, in this case, Mayor of Castletown. Mrs. Quayle, who had been a magistrate for 12 years, expressed particular concern about the competence of the *ex-officios* who have little training or qualifications. It would appear that the decision of the Bench was a majority one, rather than a unanimous one. Mrs. Quayle's resignation was announced in the national press on September 5, 1970. The delay in her resignation was probably caused by the Governor's absence from the island.

But before this, on August 27 the national dailies (*Mirror, Telegraph, Mail, Times, Express, Sketch, Sun, Guardian*) carried an Isle of Man Government Statement, issued by order of the Deputy-Governor Deemster G.E. Moore, denying that J.C. had passed out, and setting out the events in their sequence. I personally had guessed from the start that J.C.'s description of his experience was exaggerated, either by himself through inebriation or by the reporters putting words in his mouth. I found it rather peculiar that the Establishment should think it worth going to the extreme and unprecedented step of making an official statement, merely to deny the over-elaborations of a youth who had just undergone a very disturbing experience.

Millicent Faragher and I went to see the Lieutenant Governor after the J.C. affair, but the interview was negative from our point of view. I came away with a feeling that the Governor probably agreed with birching, and I realised that he was uninformed about the subject.

It was encouraging, in this affair, to notice that even the local editors had doubts, and there was quite a lot of implied or direct criticism of this particular sentence, for what was, clearly, not a crime of violence. The London-based National Council for Civil Liberties took an interest, and it was announced (*Ex. August 28, 1970*) that they were going to write to the Governor and to the Attorney General "asking a number of questions, the main one being whether there was any concrete evidence that the use of the birch has any deterrent effect at all". Another question would be into the interpretation of the Manx Acts, as to when sentences of corporal punishment should be carried out, at once or after 28 days. The *Mona's Herald*, on September 1, 1970 was swift to reply: "We offer some advice — stop poking your nose into Manx affairs. Do-gooders have vast scope at home".

As a result there was an immediate hardening of local attitudes, noticeable in the press. "It must be kept" — "Stay as you are" — "A good thing" — "For the birch" — "Keep out of Manx Affairs", and the fresh request of an inevitable Councillor, one William Crossley of Wilmslow, Cheshire, who asked the Home Secretary to "bring back the stocks to punish hooligans". (*MH September 29, 1970*).

The year 1970 ended quietly. Our campaigning had not achieved anything spectacular, but we were inching forward. Our 1969 Petition to the Governor fell flat. There was no inquiry, no debate, no change in the law. But no juvenile had been birched for a whole year, and of the two adults birched, one had caused the Manx Government some embarrassment. And both men had been informed of their right to appeal, although they did not use it: small, but significant progress.

Pro and Anti Arguments

"Corporal punishment is a question on which people are apt to hold strong views, and in many cases these views are based on sentiment rather than on intellectual conviction"

(The Cadogan Report)

"It is a Deterrent"

Anyone making this oft-repeated statement should be asked in which sense it is meant: "It deters birched offenders from committing further offences"; or "It deters others from committing offences".

In the case of the first interpretation, that it deters birched offenders from again coming before the courts, it has been proved untrue before, and this book is proving it again. To quote from the Cadogan Report once more:

"The 1920 Report of an Inquiry conducted by the (English) Board of Education studied the subsequent record of 574 children birched in two centres: a large seaport and a manufacturing town: 222 appeared before the courts again within six months; 109 within twelve months, and 109 within two years. In all, 440, or over 76 per cent were charged with a fresh offence within two years. Comparisons of these records with those of children dealt with in other ways appeared to show that birching had been less effective as a deterrent than other methods of treatment. While 76 per cent of those birched had re-appeared within two years, the corresponding percentage for those put on probation was nearly 48 per cent, for those fined 35 per cent, and for those bound over 28 per cent. From these figures the Juvenile Organisations Committee of the Board of Education drew the conclusion "apparently the use of the birch does very little good, for one out of every four birched returns in less than a month."

I have not had access to records, but nevertheless found evidence that points to a similar rate and rapidity of re-offending in the island.

The Cadogan Report itself in its summary of recommendations said: "... We have come to the conclusion that, as a court penalty, corporal punishment is not a suitable or effective method of dealing with young offenders" and "... The use of corporal punishment as a court penalty should, in our view, be entirely abandoned". The 1960 Barry Report came to the same conclusions 22 years after the Cadogan Commission had reported.

If the second interpretation is what is meant, i.e. that corporal punishment deters others from offending, apart from being absolutely unprovable, it is surely wrong to impose such a controversial punishment merely in the hope of deterring faceless, nameless, for ever unidentifiable "others".

"Give them a Taste of their own Medicine"

This, presumably, is meant only where there has been violence involved in the offence, which in the Isle of Man means about 15 per cent of the birched juveniles, and approximately 25 per cent of all birchings.

My reaction to the proposal to meet violence with violence, an eye for an eye, a tooth for a tooth, has been admirably put by Lord Oxford in the House of Commons in 1900, during a debate on a Bill proposing an extended use of corporal punishment:

"I regard the suggestions made in this debate as a revival of the theory, at once fallacious and barbarous, that a man who commits a peculiarly brutal offence should receive a proportionately brutal punishment. I can imagine nothing more repugnant to the most elementary principles of justice and common sense than to say that, because a man has committed a savage offence, those whose duty it is to enforce respect for the law should begin that man's punishment with correspondingly savage treatment."

(Cadogan Report)

I fail to see the reasoning, and certainly do not share the sentiments, behind vengeful feelings. I have often been told it would be a different story if I, or one of mine, were the victims. I was, in fact, raped as a child, and very brutally so, but neither then, nor now, has it ever occurred to me to wish for a brutal retribution: to do so would merely put me on the same level as that of my attacker.

"Reformers Don't Care About the Victims"

At the risk of being repetitious, I must again stress that the overwhelming majority of juvenile offenders birched in the Isle of Man in the twenty years under review had committed no crimes of violence. (See Appendixe One)

However, my answer is usually only a wry smile, because the very pro-birchers who profess such concern for the victims are normally the ones who also believe that practically no crimes of violence are committed on the Isle of Man. They only recall the victims of offenders who have been birched, because their imagination has been stirred. All the other reports of crime are immediately forgotten, if they are even read in the first place. The majority of islanders, after 1970, only recalled the Manchester youth who broke a girl's nose, and J.C. who was birched for picking up a girl, and who already had such a "terrible record", as stated by the Government. By the time they were seeing in the New Year, they had already forgotten the motorcyclists "near riot" scenes (which re-occurred in the next summer), the young nurse attacked in her flat, the attempted rape of a waitress on the beach, the robbery with violence of a youth, the two policemen who were attacked, the woman knocked down while queuing for chips, the young holiday makers who cut short their holiday in our "carefree island", etc. . . . Over the years, they chose to ignore the little girls who have been indecently assaulted, the battered babies, the five year old foster-child who died of injuries, the man who killed his wife's lover in a row, the M.H.K. who assaulted a man with a stick, causing considerable damage, the persons who have disappeared without trace or been found dead in mysterious circumstances.

By now, I hope I have made it clear that there is much violence on the Island, but I do not blame the islanders for their persistent belief in the myth of a peaceful community. It has been bandied about so often by their politicians, newspaper men and

other spokesmen, that they have been mesmerised into accepting it. This is in spite of crime in general being continually on the increase, as the Chief Constable's reports state year after year.

A striking example of the kind of false propaganda was on a television programme on Granada, in February 1961, when a team of "pros" which included Mr. W.E. Quayle, discussed corporal punishment with a team of "antis", among them Jo Grimond, then leader of the Liberal Party. The programme was gleefully reviewed in all the island's newspapers, Mr. Quayle being quoted at length: "There are many people who do not seem to realise that *birching can only be imposed for serious offences such as crimes of violence*". In the preceding year, the one in which the cane was substituted for the birch for younger boys, Mr. Quayle had ordered corporal punishment for two 10 year old boys who stole foodstuffs from a snack bar, for two 13 year olds for stealing a bicycle, for two London boys for housebreakings and thefts and for a 14 year old Londoner for "demanding money with menaces" (see Chapter III). Mr. Quayle did not mention these facts on the television programme.

"... There is no doubt that the viewers were impressed by (W.E. Quayle's) statement that 'when a 17 year old youth was birched in the early part of last season, it was a tremendous deterrent to any young person who might have been thinking that he could get away with anything in the island . . . Whatever about (Mr. Grimond's) statistics, there is no doubt about one fact, and that is that after the birching had been ordered at the beginning of last season, holiday-makers went their happy way for the following three months *without a single crime of violence*'. Tourists can come to the island in the full knowledge — as Mr. Quayle pointed out — that they will have a peaceful, happy holiday." (DT February 13, 1971).

Without a single crime of violence? A very quick look at the press for the summer of 1960 reveals headlines such as "Shocking conduct in dance Hall — Northside men sent to gaol for six months each", "Peeping Tom" charge; "Two prisoners escape from IoM Gaol"; "Priest fined £30 for indecent assault on nine year old boy"; "A Douglas man committed to the Mental hospital — Twelve assaults on women in ten years, was serving a two year prison sentence"; "Two brothers fined £25 each for grievous bodily harm — brutally kicked and stabbed a man while on the ground"; "Wife tells of day of terror"; "16 year old accused of indecent assault on barmaid"; "Man fined for assault"; "Man fined for malicious damage"; "£53 fines for assault on police"; and so on.

"It is Seldom used, and then only as a Last Resort"

We can ignore the "last resort" bit. I have traced several first offenders who have been whipped (see Appendix One) — and the two latest cases to date, both of whom appealed, were both first offenders.

As for corporal punishment being seldom or rarely used, it is useful to bear in mind that the population of the Isle of Man is roughly one thousandth of the whole of the UK. Therefore, the yearly average of 6.25 whippings in the Isle of Man in the last twenty years would correspond to an average 6,250 cases in the United Kingdom.

According to the Barry Report, which gives UK figures for the years 1930 to

1948, the average was 172. This means that the Isle of Man benches are over 36 times more likely to order corporal punishment at present, than mainland courts were during the last eighteen years prior to abolition. (see also Appendix Five)

"What Would You Put in the Place of Corporal Punishment?"

Magistrates do have other means at their disposal, and in reality the majority of them avoid ordering corporal punishment. According to the type of offence and the age of the offender, they have the following choice: absolute discharge, conditional discharge, probation, detention in a remand home, approved school (Community Centres now), fines, imprisonment, restitution, compensation and . . . corporal punishment.

The regrettable fact that we still do not have the necessary facilities for remand on the island (Chapter X) must present a problem to thoughtful magistrates; they naturally hesitate to send children off the island.

But it is unfair to expect me, or any other anti-bircher, to solve the world's penal problems and have all the answers. No country has yet devised a crime-free society; no civilised government is entirely satisfied with its penal system and institutions. Over the centuries, there have been gropings towards a satisfactory solution, but there is no easy answer, as the causes of criminal behaviour are themselves obviously extremely complex.

The British penal system has given the try to flogging, the press, the rack, the stocks, hanging, deportation, chains and weights, the treadmill, obligatory silence in prisons, solitary confinement, the press-gang . . . (*The English Bastille*, by Anthony Babington). Each and every move to humanise the treatment of offenders (or children, or "lunatics", or slaves) has been met with the same kind of opposition that we are meeting in the island now; every rejection of barbarism has had to be fought for, inch by inch.

I do not think it exaggerated to state that there are people alive today who resent the "softening" of the treatment of prisoners so much that they would welcome the return of really fierce punishments, such as that suffered by John Teare, a young lad from Ramsey who, on being convicted of "petit larceny" was sentenced to "three months solitary imprisonment in one of the dungeons of Castle Rushen, and then to be "severely whipped" at the Market Place of Ramsey.

(*Manx Advertiser* April 25, 1816)

There are people in our midst who wouldn't for the world have missed public whippings and executions. Had they been born in an earlier age, they would no doubt have enjoyed the spectacular despatch of two Peel men, Thomas Siddleton, blacksmith, and James Moore, wheelwright, sentenced to death for the assault and robbery of Peel advocate, Wm. Kinley Esq. "Jack Ketch", the hangman from Chester, was specially brought over, and gallows were erected on top of Castle Rushen.

(*Manx Sun.* October 16 and 23, 1832)

There are people who even today would agree with very young boys being sentenced to seven years transportation for stealing small sums of money (*M Adv* August 14, 1838), and with the sentence of death for sheep stealing, as happened to poor Robert Kewley in 1818 (*M Adv* June 11, 1818), and to Mary Millan in

1831 (*Mx Sun March 1, 1831*) and to Philip Faragher, whose sentence was commuted to transportation for life in 1823 (*Mx Sun April 8, 1823*).

These people would no doubt have travelled the island to catch market days, they might have followed John Cannell, who, for stealing potatoes, was "whipped in every market town in the island on market days" in 1812 (*Mx Adv February 29, 1812*), or the two men who were "condemned to be whipped at every town in the island for housebreaking"

(*Mx Adv June 20, 1812*)

Things just as terrible as these were of course happening all over the British Isles in those days, and any pleas for reform were scoffed at, in the same way that my friends and I in the Island are today. We are in good company.

One obvious answer to the question, "what would you put in the place of corporal punishment" is that most of the rest of the civilised world has discarded all forms of corporal punishment long ago, most of them in the early or middle nineteenth century . . . But this is always badly received in the Isle of Man, which is even more insular than the rest of Britain.

CHAPTER XV

Conclusion

Since the case of the Preston boy in late 1969, the first one to receive truly national coverage, the Isle of Man has been inordinately sensitive to criticisms of its birching laws. The birch has assumed the importance of a national symbol; woe betide anyone who dares to question it in any way.

It is not easy to swim against the tide of public opinion, but I am not complaining of the unpleasantness it has caused me and my family — I have no doubt asked for it. I was taken aback, however, by a personal attack in Government circles.

On April 18, 1972, questions were asked in the Court of Tynwald about me. Miss K. Cowin, a newly elected M.H.K., had tabled five questions to His Excellency the Lieutenant Governor, which were given advance publicity and banner headlines: "Contempt of Tynwald Alleged" and "Censure Birch Critic, says M.H.K.", with a comment by Miss Cowin: "It is no good shrinking from hot potatoes. I think Mrs. Kneale has got to be checked in her desire to reform us" (*Ex April 14, 1973*).

The Governor replied that he was unable to answer three of the questions, concerning a television programme which he had not watched. To the fourth one, in which Miss Cowin asked the Governor to confirm that I was in contempt of the Court because I had made an untrue statement, in that a Standing Orders Committee of Tynwald had reported on the "Petition for Redress" presented at Tynwald Hill, and therefore it had not been "ignored" (the Standing Committee had consisted of Messrs. W.E. Quayle, A.H. Simcock and G.V. Kneale!) — the Governor answered that, after consultation with the Executive Council, he had come to the conclusion that the setting up of a Commission of Inquiry would be "both a waste of time and money".

During the 1960 debates in Tynwald (February 23, 1960, page 437) Edward Callister said: "Do you realise, gentlemen, that not only is there no corporal punishment in England, outside prisons, but that this is a violation of the Universal Declaration of Human Rights, which was adopted and proclaimed by the General Assembly of the United Nations without a dissenting vote. You are violating a declaration made by Britain and the nations throughout the world."

He might have added that Tynwald was literally putting back the clock 100 years, or 99 to be precise, since "The general principle was adopted in England in 1861, and extended to Scotland in 1862, that whipping is an unsuitable penalty for adult offenders". (*Cadogan Report*) and, "As a judicial penalty for adults in England and Wales, (corporal punishment) was virtually abolished in 1861" (*Barry Report*).

As long ago as 1843, a Criminal Law Commission appointed by the British Parliament reported that "(whipping) is a punishment which is uncertain in point of severity, which inflicts an ignominious disgrace on the offender, and tends, we believe, to render him callous, and greatly to obstruct his return to any honest course of life." (*Cadogan Report*).

In more recent times, when the British Parliament legislated for the Children and Young Persons Act 1933, the House of Commons agreed in two Readings without a division to withdraw the power of whipping from courts of summary jurisdiction (i.e. magistrates), but the House of Lords persistently rejected this amendment. There was a danger that the whole Bill would be lost because of this one clause, so in the end it was left in by the Commons, and for a further 15 years, until abolition in 1948, magistrates were empowered to order the corporal punishment of juveniles.

The number of birchings ordered fell steadily throughout the century, with the exception of the two war periods. The *Cadogan Report* showed that in England and Wales the numbers fell from 3385 in 1900, to 166 in 1936; and that in Scotland the numbers also dwindled, though not so remarkably, from 731 in 1900, to 230 in 1936.

The later Barry Report gives a further list for juvenile whippings ordered by magistrates courts, which fell from 130 in 1937, to eight in 1947. Compare these figures with those of the Isle of Man with its comparatively minute population, which averaged 6.25 per year over the last 20 years, two thirds Manx residents and one third non-residents.

It is sometimes argued that such crime as exists in the Isle of Man is mainly the work of non-residents, tourists, day-trippers, and seasonal workers. But this is not so, and besides, makes no allowance for Manx people offending on the mainland, and there must be quite a number (see Appendix Four). In the course of our small-scale research, we found no less than four Manx people (three men, one woman) who had been charged with murder or manslaughter in England, in the sixties. (One of the men came back to the island, only to meet a violent death himself.) Another one committed suicide in Broadmoor Hospital in 1973.

In the course of interviews, I have often been asked why I took up the question of birching. As I have three teenage sons, it was sometimes wrongly assumed that one of them had been "in trouble with the police". It seems odd to newsmen that a woman with no special qualifications should take an interest in penal reform. I am not a lawyer, nor a social or medical worker, I cannot even claim a "superior" education — my generation missed out on university education, owing to the years of German occupation.

The answer lies in my religious faith, and in some personal experiences. I am a Friend (or Quaker as they are better known), and Quakers have endured indescribable sufferings and persecutions in England, in America, even in the Isle of Man. Early Friends were frequently imprisoned, and their experiences in gaol gave rise to a special interest in the management of prisons, and in the treatment of prisoners. There has been a continuing tradition of "Quaker concern" relating to the penal systems of the world. Elizabeth Fry is the best known of these reformers but she is by no means unique. During the last two world wars, many Quakers who were conscientious objectors to military service became acquainted with modern prison life. Again it left many with a deep concern for the more enlightened treatment of offenders.

During the last war, many of my friends and members of my family, including myself, saw the inside of prisons as political prisoners — not as Quakers, but as Resistance workers, or as suspected collaborators in the aftermath of the liberation.

More recently, in the course of my consular duties, I have attended many court

cases relating to fisheries offences and I have been shocked by the callousness of the system, and by the inhumanity of some of the sentences imposed. I have witnessed the casual way in which magistrates, after a few minutes' retirement, announce decisions which shatter the lives of humble fishermen; crippling them financially, destroying their future — and then presumably they go home to tea and television, unaffected by the havoc they have wrought.

It struck me, watching them at their work, that these were the same magistrates who have the power to order the whipping of boys and youths. So my two "concerns", trawlermen and juvenile delinquents, are tenuously linked.

In one of our Quaker books for guidance, there is a quote which has greatly sustained me: "Throughout the whole field (administration of justice) there is a great need for those who can give concerned service, whether voluntary or vocational, and we would encourage Friends to consider whether they should take advantage of the many openings that are available, and use their talents in working for an improvement of our penal system".

This is what I have tried to do, and as Lloyd Garrison, an American journalist who fought for the abolition of slavery said:

"I am in earnest — I will not equivocate — and I will not excuse — I will not retrieve an inch — And I Will Be Heard!"

*Angela Kneale
Port St. Mary
Autumn 1973*

In the autumn of 1972 the Legal Department of the National Council for Civil Liberties acting on behalf of two boys who had been birched following their conviction for offences in the Isle of Man began proceedings against the United Kingdom government before the European Commission of Human Rights. Their application is for damages and for the repeal of all corporal punishment legislation claiming that this form of punishment is degrading and contrary to the provisions of the European Convention on Human Rights.

APPENDIX ONE

ISLE OF MAN BIRCHINGS AND CANINGS - 1952 to 1972

Juveniles		Nature of the Offences (Juveniles)		Age	Strokes	Magistrates Traced	Reoffendings Traced
No.	Date						
1	25 February 1952	Larceny of £1.00 while working on a milk round	13	3 birch	{ J.M. Cain Mrs. Greenfield	June 1956	
2	8 March 1952	Larceny of a school satchel and contents	10	3 birch	{ T. Hall Miss Larsen	December 1952	
3	19 July 1952	Larceny of a football, cash, bicycle. Receiving	14	6 birch	T.G. Bridson		
4	14 August 1952	Larceny of £7.00 from parents' safe	12	2 birch			
5	October 1952	Larceny of machine parts, breaking and entering a factory doing considerable damage (see no. 12)	8	1 birch	Miss Bisset	February 1953 etc.	
6	October 1952	Larceny etc. . . ., with the above	9	1 birch	Miss Bisset	February 1953	
7	November 1952	Larceny of a watch and biscuits. Run away from home.	14	4 birch	J.M. Cain		
8	November 1952	Larceny of a watch and biscuits, with the above	15	4 birch	J.M. Cain	December 1952 etc.	
9	3 February 1953	Larceny of bicycle parts, breaking and entering a garage and a railway station, damaging a hen run.					
10	3 February 1953	Larceny etc. . . ., with the above	10	5 birch		February 1953	
11	27 June 1953	Larceny of £1. 6s. 0d. from an electricity meter	9	2 birch		February 1953	
12	July 1954	Larceny from a hut of mineral waters and potato crisps. SECOND BIRCHING (same as no. 5)	13	4 birch	P. Hislop	July 1955	
13	27 October 1954	Larceny of cycle lamps, 8s. 0d. breaking and entering (see no. 24)	10	2 birch	J.M. Cain	August 1954 etc.	
14	27 October 1954	Larceny etc. . . ., with the above (see no. 17)	12	3 birch		March 1956 etc.	
15	16 December 1954	Larceny of £1. 3s. 0d. breaking and entering a house.	12	3 birch	P. Hislop	March 1955	

No.	Date	Nature of the Offences (Juvenile)	Age	Strokes	Magistrates		Reoffendings
					Traced	Traced	
16	17 March 1955	Larceny of a bicycle, breaking and entering	14	3 birch			
17	17 March 1955	Larceny of a bicycle, breaking and entering, with the above. SECOND BIRCHING (same as no. 14)	12	3 birch			
18	August 1955	Larceny from a stall at Onchan: 40 darts, toys, cash	9	3 birch			
19	August 1955	Larceny, with the above	12	3 birch			
20	October 1955	Larceny of fireworks and cigarettes, breaking and entering	13	3 birch	{ W.E. Quayle Dr. Ella Clucas		
21	23 January 1956	Larceny of £1. 13s. 0d. from an electricity meter. (see no. 22)	14	3 birch			February 1956
22	February 1956	Larceny of rifles, breaking and entering a warehouse. SECOND BIRCHING (same as no. 21)	14	3 birch	P. Hislop		April 1956 etc.
23	February 1956	Larceny of rifles etc. . . ., with the above	14	3 birch	P. Hislop		
24	March 1956	Larceny of bulbs from lamp standards, breaking windows. SECOND BIRCHING (same as no. 13)	14	4 birch	P. Hislop		September 1956
25	March 1956	Larceny of keys, tinned foods valued at 19s. 1d. breaking and entering	14	6 birch	{ P. Hislop Mrs. A. Bridson J.M. Cain		
26	April 1956	Larceny of £3. 10s. 0d. National Savings, chocolate, cigarettes, breaking and entering	12	3 birch	{ W.E. Quayle T.G. Bridson Mrs. Greenfield		
27	May 1956	Larcenies from Howstrake Holiday Camp	13	4 birch	{ P. Hislop Mrs. A. Bridson W.E. Quayle		
28	28 June 1956	Taking a motorcycle and damaging a porter's cart, while playing in a car park	11	3 birch	T.G. Bridson		July 1956

No. Date	Nature of the Offences (Juvenile)	Age	Strokes	Magistrates Traced	Reoffendings Traced
29 28 June 1956	Taking a motorcycle etc. . . ., with the above	12	3 birch	T.G. Bridson	December 1956
30 4 July 1956	Larceny of strawberries and gooseberries from a garden at Castletown Promenade	12	3 birch		
31 2 August 1956	Larceny by shoplifting: 2 wallets, 1 cap, sweets	14	4 birch	T.G. Bridson	(non-resident)
32 2 August 1956	Larceny by shoplifting, with the above, Liverpool boys	14	2 birch	T.G. Bridson	(non-resident)
33 3 September 1956	Larcenies from a school and from a store	13	2 birch		Birched a second time later, but case untraced
34 3 September 1956	Larcenies, with the above (See adult no. 5)	13	2 birch		May 1961
35 3 September 1956	Larceny from collecting box. FIRST OFFENDER	13	2 birch		
36 October 1956	Larceny of money, cigarettes, sweets, pencil etc.	12	4 birch	T.G. Bridson	
37 October 1956	Larceny, with the above	11	3 birch	T.G. Bridson	
38 26 March 1957	Indecent assault, three charges	14	6 birch	P. Hislop	February 1958
39 24 April 1957	Larceny of one bottle of milk	14	2 birch	{ T.G. Bridson J.M. Cain Mrs. Cain	
40 30 August 1957	Larceny of rifles, sweets, money etc. . . ., Setting fire to an unoccupied house	15	8 birch	J.B. Mylchreest	
41 30 August 1957	Larceny of rifles, sweets, and air rifles. FIRST OFFENDER	14	3 birch	J.B. Mylchreest	
42 November 1957	Larceny of fireworks	14	4 birch	P. Hislop	
43 November 1957	Larceny of fireworks, with the above	12	4 birch	P. Hislop	
44 30 November 1957	Larceny of cash from a cafe, breaking and entering a shop with intent to steal	9	4 birch	{ H.T. Moore R.F. Mallard Mrs. Teare	
45 30 November 1957	Larceny etc. with the above	10	4 birch	{ H.T. Moore R.F. Mallard Mrs. Teare	

No.	Date	Nature of the Offences (Juvenile)	Age	Strokes	Magistrates Traced	Reoffendings Traced
46	2 January 1958	Larceny of household goods. Yorkshire boy. Runaway from home.	15	9 birch	T.G. Bridson	(non-resident)
47	13 March 1958	Larceny of £1.00 in coppers from Douglas Corporation bus. Fifteen shillings recovered	13	4 birch	{ Howard Lay Mrs. A. Bridson	July 1958, etc.
48	19 February 1959	Larceny of objects from a garage, taking a motor vehicle. Cheshire boy. Runaway from home.	14	6 birch	{ A.S. Kelly J.T. Chrystal Mrs. Teare	(non-resident)
49	19 February 1959	Larceny etc. . . ., with the above. Runaway Cheshire boy	12	4 birch	{ A.S. Kelly J.T. Chrystal Mrs. Teare	(non-resident)
50	2 May 1959	Indecent assault on 3 little girls. FIRST OFFENDER				
51	23 May 1959	Larceny of £55 from a boarding house in Douglas Runaway Liverpool boy.	14	3 birch	W.E. Quayle	
52	August 1959	Larceny of money and a cigarette lighter from bathers' clothes on Laxey beach	11	6 birch		(non-resident)
53	1 June 1960	Demanding money with menaces, larcenies, breaking and entering. Runaway London boy	13	2 birch	Mrs. Greenfield	November 1959
54	11 July 1960	Larcenies and housebreakings in England and Isle of Man. Runaway London boy.	14	6 birch	W.E. Quayle { R. Dean W.E. Quayle Mrs. Cain	(non-resident) (non-resident)
55	11 July 1960	Larcenies etc. . . ., with the above. Runaway London boy.	14	6 cane	W.E. Quayle { R. Dean Mrs. Cain	(non-resident)
56	31 August 1960	Larceny of a bracelet valued 10s. 6d. Liverpool boy. FIRST OFFENDER	12	3 cane	R.F. Mallard	(non-resident)
57	1 September 1960	Larceny from a snack-bar of chocolates, sweets, biscuits, pop. Runaway from Douglas Children's Home.	10	3 cane	W.E. Quayle	

Nature of the Offences (Juvenile)

No. Date	Age	Strokes	Magistrates Traced	Reoffendings Traced
58 1 September 1960	10	3 cane	W.E. Quayle	August 1963
59 17 November 1960	13	3 cane	W.E. Quayle	
60 17 November 1960	13	3 cane	W.E. Quayle	
61 26 June 1961	16	6 birch	P. Hislop	(non-resident)
62 18 July 1961	16	4 birch	{ R. Dean Mrs. Crowe J.A. Davidson	August 1961
63 18 July 1961	14	4 birch	{ R. Dean Mrs. Crowe J.A. Davidson	(non-resident)
64 9 August 1961	12	4 cane	{ J.T. Chrystal H.H. Radcliffe Mrs. Stephenson	(non-resident)
65 22 November 1961	11	3 cane		
66 22 November 1961	11	3 cane		June 1963
67 28 August 1961	16	6 birch	{ T.R. Moore Mrs. Crowe R.J.G. Anderson	December 1961
68 28 August 1961	16	3 birch	{ T.R. Moore Mrs. Crowe R.J.G. Anderson	
69 21 December 1961	10	6 cane	J.B. Mylchreest	
70 May 1962	16	6 birch	J.B. Mylchreest (non-resident)	

No. Date	Nature of the Offences (Juvenile)	Age	Strokes	Magistrates Traced	Reoffendings Traced
71 1 June 1962	Larceny of six milk bottles from doorsteps	12	3 cane		November 1962 etc.
72 3 July 1962	Truancy from school	12	3 cane	W.E. Quayle	6 July 1962
73 August 1962	Larceny by shoplifting fancy goods. Dublin day-tripper	14	3 birch	W.E. Quayle	(non-resident)
74 August 1962	Larceny by shoplifting, with the above. Dublin day-tripper	14	3 birch	W.E. Quayle	(non-resident)
75 15 August 1962	Larceny of a watch, and 3 other minor offences. Liverpool boy	14	4 birch	W.E. Quayle	(non-resident)
76 15 August 1962	Larceny of a watch and 5 other minor offences. Liverpool boy	13	4 cane	W.E. Quayle	September 1962
77 June 1963	Larceny of money from gas meter and collecting box	12	2 cane		
78 June 1963	Larceny from a garage and from a car	12	2 cane		
79 June 1963	Larceny and office-breaking (see no. 83)	12	4 cane		August 1963
80 July 1963	Assault of a youth, actual bodily harm	16	6 birch	T.G. Moore G. Costain Mrs. Connall	
81 21 August 1963	Larceny of a bicycle, flask. 10s.0d. Three boys together missing for three days, went camping on Jurby beach. SECOND WHIPPING (previously caned, unidentified)	14	4 birch		
82 21 August 1963	Larceny etc. . . ., with the above	11	4 cane	J.B. Mylchreest	May 1964 etc.
83 21 August 1963	Larceny etc. . . ., with the above SECOND CANING (same as no. 79)	12	6 cane	J.B. Mylchreest	May 1964 etc.
84 7 April 1964	Taking a van, shopbreaking, larceny, at Laxey Gardens	14	8 birch	T.L. Vondy	
85 7 April 1964	With the above	15	8 birch	T.L. Vondy	
86 7 April 1964	With the above	15	6 birch	T.L. Vondy	

No. Date	Nature of the Offences (Juvenile)	Age	Strokes	Magistrates Traced	Reoffendings Traced
87 7 April 1964	With the above	16	4 birch	T.L. Vondy	
88 15 May 1964	Larceny of a radio watch, torch, camera, cash. Birmingham boy	14	3 birch	T.L. Vondy	(non-resident)
89 15 May 1964	Larceny with the above. All goods recovered except a little cash	14	3 birch	T.L. Vondy	(non-resident)
90 5 June 1964	Larceny from a jeweller's shop, breaking and entering, £228 worth of goods stolen. Liverpool boy.	16	6 birch	W.E. Quayle	(non-resident)
91 5 June 1964	Larceny etc. with the above. Liverpool boy	15	5 birch	W.E. Quayle	(non-resident)
92 5 June 1964	Larceny etc. with the above. Liverpool boy	16	6 birch	W.E. Quayle	(non-resident)
93 14 July 1964	Common assault of a youth and using obscene language	16	4 birch	{ G. Costain Mrs. Connall Mrs. J. Procter	
94 8 September 1965	Indecent assault on a female under 16. Boy from Eire. FIRST OFFENDER	15	6 birch	H.B. Toothill	(non-resident)
95 6 January 1966	Larceny of a telescope valued £8. Shopbreaking. Runaway from Kent. FIRST OFFENDER	14	2 birch	{ J.F. Corkhill J.C.K. Teare Mrs. Stephenson	(non-resident)
96 August 1967	Assault of a youth, actual bodily harm. Liverpool boy	16	6 birch	W.E. Quayle	(non-resident)
97 18 November 1967	Malicious wounding of a youth, carrying an offensive weapon	16	5 birch	{ W.C. Kelly G. Costain Mrs. E. Quayle	December 1967
98 6 June 1969	Larceny of liquor, from an off-licence yard	15	6 birch	N. Crowe	July 1973
99 6 June 1969	Larceny of liquor, with the above	14	4 birch	N. Crowe	
100 23 June 1969	Assault of another youth, actual bodily harm, provoking behaviour, wilful damage, carrying an offensive weapon	16	4 birch	J.B. Mylchreest	(non-resident)

No.	Date	Nature of the Offences (Juvenile)	Age	Strokes	Magistrates Traced	Reoffendings Traced
101	30 June 1969	Assault of two London youths, provoking behaviour	16	4 birch	J.B. Mylchreest	September 1969 etc.
102	30 June 1969	Assault etc. . . ., with the above	16	4 birch	J.B. Mylchreest	September 1969 etc.
103	7 November 1969	Larceny from the person (handbag snatch). Preston runaway boy	15	3 birch	{ C.H. Gill Mrs. Corlett	(non-resident)
104	21 November 1969	Assault and provoking behaviour	16	4 birch	{ G. Costain R.W. Corkill Mrs. E. Quayle	June 1971 etc.
105	25 May 1971	Robbery with violence of 10p from another boy	13	3 cane	{ I. Qualtrough R.W. Corkill Mrs. J. Procter	March 1972 etc.
106	7 March 1972	Assault of an 18 year old school prefect, actual bodily harm. Birched on the 8 March	15	5 birch	{ C. Vereker C. Taggart Mrs. J. Procter	
107	7 March 1972	Assault, with the above. Birched on 9 March	15	4 birch	{ C. Vereker C. Taggart Mrs. J. Procter	
108	7 March 1972	Assault, with the above. Birched on 10 March. Sentenced to five strokes, but was given only three on instructions from the police surgeon	15	3 birch	{ C. Vereker C. Taggart Mrs. J. Procter	January 1973
109	7 March 1972	Assault, with the above. FIRST OFFENDER. Birched on 28th April 1972, after losing appeal. FIRST TO APPEAL	15	3 birch	{ C. Vereker C. Taggart Mrs. J. Procter	

Adults		Nature of the Offences (Adults)		Age	Strokes	Magistrates Traced	Reoffendings Traced
No.	Date						
1	10 September 1956	Robbery with violence of £28 from a Scots tourist. Twelve months hard labour. From Liverpool		20	10 birch	Deemster J.A. Cain	(non-resident)
2	18 October 1956	Robbery with violence, with the above. Offence had been committed on 14th July. Twelve months gaol. From Dublin.		18	6 birch	Deemster J.A. Cain	(non-resident)
3	11 July 1960	Assault actual bodily harm to Glasgow youth. Four months hard labour and fine. From Liverpool		17	6 birch	W.E. Quayle	(non-resident)
4	May 1961	Unprovoked assault on two Italian waiters. From Liverpool		19	4 birch	T. Radcliffe	(non-resident)
5	May 1961	Unprovoked assault, with the above. SECOND BIRCHING (same as No. 34 Juveniles)		19	4 birch	T. Radcliffe	October 1961
6	May 1961	Unprovoked assault, with the above		18	4 birch	T. Radcliffe	
7	28 August 1961	Assault of a bar supervisor. Six months gaol. From Oldham		19	8 birch	T. Radcliffe	(non-resident)
8	15 May 1964	Assault actual bodily harm of a bystander outside a chip shop		18	6 birch		November 1964
9	8 April 1965	Attempted rape of a 17 year old girl. Offence committed 12th December 1964. Twenty one months gaol.		20	6 birch	Deemster G.E. Moore	
10	8 April 1965	Attempted rape, with the above. Twenty one months gaol		18	6 birch	Deemster G.E. Moore	
11	19 July 1965	Assault actual bodily harm to male tourist. From Glasgow		19	9 birch	T. Radcliffe	(non-resident)
12	19 July 1965	Assault, with the above. From Glasgow		19	9 birch	T. Radcliffe	(non-resident)
13	19 July 1965	Assault, with the above. From Glasgow		19	9 birch	T. Radcliffe	(non-resident)
14	19 July 1965	Assault, with the above. From Glasgow		19	9 birch	T. Radcliffe	(non-resident)

No.	Date	Nature of the Offences (Adults)	Age	Strokes	Magistrates Traced	Reoffendings Traced
15	26 July 1966	Assault actual bodily harm. Hit another youth with bottle	17	6 birch	T. Radcliffe High-Bailiff	(non-resident)
16	9 August 1967	Assault on a youth and a police constable. Drunk and disorderly. Three months gaol.	19	6 birch	R.K. Eason High-Bailiff	
17	9 August 1967	Assault etc. . . ., with the above. Three months gaol.	19	6 birch	R.K. Eason	
18	25 June 1968	Assault, actual bodily harm to another youth. Gang warfare at discotheque. From Liverpool	17	6 birch	J.B. Mylchreest	(non-resident)
19	7 July 1970	Assault actual bodily harm to a girl of 18, breaking her nose. From Manchester	19	4 birch	T.L. Vondy	(non-resident)
20	14 August 1970	Common assault of a 19 year old girl, considered by Bench to be actual bodily harm (fright)	19	6 birch	{ C. Vereker Mrs. E. Quayle Mr. Hill Heaton	

APPENDIX TWO

ISLE OF MAN – SENTENCES OF JUDICIAL CORPORAL PUNISHMENT – BREAKDOWN OF AGE GROUPS

PUNISHMENT															
	Age in Years														
	8	9	10	11	12	13	14	15	16	17	18	19	20	Total	
1952	1	1	1		1	1	2	1						8	
1953		1	1			1								3	
1954			1		3									4	
1955		1			2	1	1							5	
1956				2	5	3	7				1		1	19	
1957		1	1		1		4	1						8	
1958						1		1						2	
1959				1	1	1	2							5	
1960			2		2	2	2			1				9	
1961			1	2	1			1	4		1	3		13	
1962					2	1	3		1					7	
1963				1	4		1		1					7	
1964							3	3	4		1			11	
1965								1			1	4	1	7	
1966							1			1				2	
1967									2			2		4	
1968										1				1	
1969							1	2	4					7	
1970												2		2	
1971						1								1	
1972								4						4	
Totals	1	4	7	6	22	12	27	14	16	3	4	11	2	129	

APPENDIX THREE

ISLE OF MAN — SENTENCES OF JUDICIAL CORPORAL PUNISHMENT — BREAKDOWN OF OFFENCES (JUVENILES 1952–1972)

<i>Year</i>	<i>Larcenies & Other Petty Offences</i>	<i>Indecent Assaults</i>	<i>Assaults & Other Violences</i>	<i>TOTAL</i>			
1952	8	—	—	8			
1953	3	—	—	3			
1954	4	—	—	4			
1955	5	—	—	5			
1956	17	—	—	17			
1957	7	1	—	8			
1958	2	—	—	2			
1959	4	1	—	5			
1960	7	—	1	8			
1961	7	—	2	9			
1962	6	—	1	7			
1963	6	—	1	7			
1964	9	—	1	10			
1965	—	1	—	1			
1966	1	—	—	1			
1967	—	—	2	2			
1968	—	—	—	—			
1969	3	—	4	7			
1970	—	—	—	—			
1971	—	—	1	1			
1972	—	—	4	4			
Totals	89	+	3	+	17	=	109

APPENDIX FOUR

ISLE OF MAN - SENTENCES OF JUDICIAL CORPORAL PUNISHMENT BREAKDOWN OF MONTHLY INCIDENCE (JUVENILES AND ADULTS) 1952-1972

	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	
January															1							3 in January
February	1	2			1		1															7 in February
March	1			2	2	1	1						4	2							3	10 in March
April					1	1							3							1		9 in April
May					1			2			1		3							1		11 in May
June		1			2				1	1	1	3	3				1	5				18 in June
July	1				1				3	2	1	1	1	4	1				1			16 in July
August	1		1	2	2	2		1	1	4	4	3				3			1			25 in August
September					4				2					1								7 in September
October	2		2	1	3				2							1		2				8 in October
November	2					4			2	2												13 in November
December			1						1													2 in December
Totals	8	3	4	5	19	8	2	5	9	13	7	7	11	7	2	4	1	7	2	1	4	129

APPENDIX FIVE

JUDICIAL CORPORAL PUNISHMENT SENTENCES AWARDED 1952-1972

<i>Islands Populations: 1961 Census</i>	Guernsey 47,099	Jersey 63,550	Isle of Man 48,133
1952	2	6	8
1953	2	8	3
1954	4	15	4
1955	3	8	5
1956	1	1	19
1957	8	5	8
1958	—	2	2
1959	1	2	5
1960	—	2	9
1961	1	1	13
1962	1	2	7
1963	1	2	7
1964	—	3	11
1965	—	—	7
1966	2	1	2
1967	—	—	4
1968	1	—	1
1969	—	—	7
1970	—	—	2
1971	1	—	1
1972	—	—	4
	28	58	129

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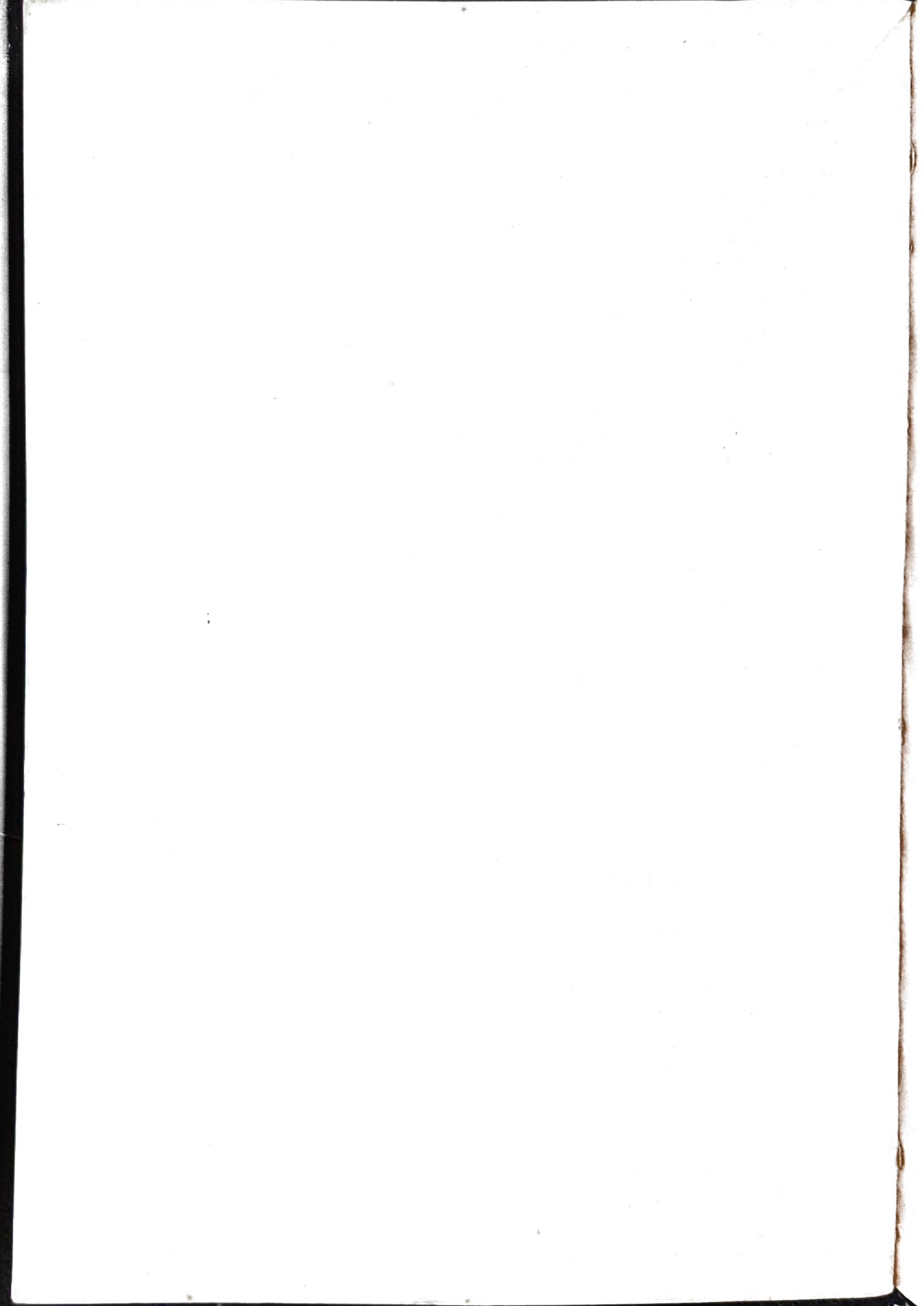
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